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Briefing on How To Use the Federal Register
For information on a briefing in Washington, DC, see announcement on the inside cover of this issue.

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THE FEDERAL REGISTER
WHAT IT IS AND HOW TO USE IT

FOR: Any person who uses the Federal Register and Code of Federal Regulations.

WHO: The Office of the Federal Register.

WHAT: Free public briefings (approximately 3 hours) to present:

1. The regulatory process, with a focus on the Federal Register system and the public's role in the development of regulations.
2. The relationship between the Federal Register and Code of Federal Regulations.
3. The important elements of typical Federal Register documents.
4. An introduction to the finding aids of the FR/CFR system.

WHY: To provide the public with access to information necessary to research Federal agency regulations which directly affect them. There will be no discussion of specific agency regulations.

WASHINGTON, DC

WHEN: April 7, at 9:00 a.m.
WHERE: Office of the Federal Register, First Floor Conference Room, 1100 L Street NW., Washington, DC.
RESERVATIONS: 202–523–5240.
DIRECTIONS: North on 11th Street from Metro Center to corner of 11th and L Streets

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Rules and Regulations

Federal Register
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Thursday, March 12, 1992

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 21 and 23

[Docket No. 104CE, Special Condition 23-ACE-71]

Special Conditions; Beech Model 58 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final special conditions; request for comments.

SUMMARY: These special conditions are being issued to Hartzog Aviation for a Supplemental Type Certification (STC) on the Beech Model 58 Series airplane. This airplane will have novel and unusual design features when compared to the state of technology envisaged in the applicable airworthiness standards. These novel and unusual design features include the installation of electronic displays for which the applicable regulations do not contain adequate or appropriate airworthiness standards for the protection of these systems from the effects of high intensity radiated fields (HIRF). These special conditions contain the additional safety standards which the Administrator considers necessary to establish a level of safety equivalent to the airworthiness standards applicable to these airplanes.

DATES: The effective date of these special conditions is April 13, 1992.

Comments must be received on or before April 13, 1992.

ADDRESSES: Comments may be mailed in duplicate to: Federal Aviation Administration, Office of the Assistant Chief Counsel, ACE-7, Attention: Rules Docket Clerk, Docket No. 104CE, room 1558, 601 East 12th Street, Kansas City, Missouri 64106. All comments must be marked: Docket No. 104CE. Comments may be inspected in the Rules Docket weekdays, except Federal holidays, between 7:30 a.m. and 4 p.m.

FOR FURTHER INFORMATION CONTACT: J. Lowell Foster, Aerospace Engineer, Standards Office (ACE-110), Aircraft Certification Service, Federal Aviation Administration, room 1544, 601 East 12th Street, Kansas City, Missouri 64106; telephone (816) 426-5688.

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA has determined that good cause exists for making these special conditions effective 30 days after issuance; however, interested persons are invited to submit such written data, views, or arguments as they may desire. Communications should identify the regulatory docket and special conditions number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments will be considered by the Administrator. These special conditions may be changed in light of the comments received. All comments submitted will be available in the rules docket for examination by interested parties, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerning this rulemaking will be filed in the docket. Persons wishing the FAA to acknowledge receipt of their comments submitted in response to this request must include a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 104CE." The postcard will be date stamped and returned to the commenter.

Background

On December 20, 1991, Hartzog Aviation, Greater Rockford Airport, P.O. Box 6107, Rockford, IL 61125, made an application to the FAA for a supplemental type certificate (STC) for the Beech Model 58 airplane. The proposed modification incorporates a novel or unusual design feature, such as digital avionics consisting of an electronic flight instrument system (EFIS), that is vulnerable to HIRF external to the airplane.

Supplemental Type Certification Basis

The type certification basis for the Beech Model 58 Series airplane is as follows: Part 23 of the FAR, § 23.775 of amendment 23-7; §§ 23.773, 23.929, and 23.1419 of amendment 23-14; § 23.1309 of amendment 23-17; §§ 23.1335, 23.1327, 23.1351, 23.1357 and 23.1547(e) of amendment 23-20; §§ 23.1416, 23.1559, and 23.1583(h) of amendment 23-23; and part 25 of the FAR, §§ 25.1323(e), dated February 1, 1965, and the special conditions adopted herein.

Discussion

Hartzog Aviation plans to incorporate certain novel and unusual design features into an airplane for which the airworthiness standards do not contain adequate or appropriate safety standards for protection from the effects of HIRF. These features include electronic systems, which are susceptible to the HIRF environment and that were not envisaged by the existing regulations, for this type of airplane.

Special conditions may be issued and amended, as necessary, as part of the supplemental type certification basis if the Administrator finds that the airworthiness standards designated in accordance with § 21.17(a)(1) do not contain adequate or appropriate safety standards because of novel or unusual design features of an airplane. Special conditions, as appropriate, are issued in accordance with § 11.49 after public notice, as required by §§ 11.28 and 11.29(b), effective October 14, 1980, and become a part of the supplemental type certification basis, as provided by § 21.17(a)(2).

Protection of System From High Intensity Radiated Fields (HIRF)

Recent advances in technology have given rise to the application in airplane designs of advanced electrical and electronic systems that perform functions required for continued safe flight and landing. Due to the use of sensitive solid state components in analog and digital electronics circuits, these advanced systems are readily responsive to the transients effects of induced electrical current and voltage caused by the HIRF incident on the external surface of airplanes. These induced transient currents and voltages can degrade electronic systems performance by damaging components or upsetting system functions.

Furthermore, the electromagnetic environment has undergone a transformation that was not envisaged when the current requirements were developed. Higher energy levels are radiated from transmitters that are used for radar, radio, and television. Also, the population of transmitters has increased significantly.

The combined effect of the technological advances in airplane design and the changing environment has resulted in an increased level of vulnerability of electrical and electronic systems required for the continued safe flight and landing of the airplane. Effective measures against the effects of exposure to HIRF must be provided by the design and installation of these systems. The accepted maximum energy levels in which civilian airplane system installations must be capable of operating safely are based on surveys and analysis of existing radio frequency emitters. These special conditions require that the airplane be evaluated under these energy levels for the protection of the electronic system and its associated wiring harness. These external threat levels are believed to represent the worst case to which an airplane would be exposed in the operating environment.

These special conditions require qualification of systems that perform critical functions, as installed in airplanes, to the defined HIRF environment in paragraph 1 or, as an alternative to a fixed value using laboratory tests, in paragraph 2, as follows:

(1) The applicant may demonstrate that the operation and operational capability of the installed electrical and electronic systems that perform critical functions are not adversely affected when the aircraft is exposed to the HIRF environment, defined below:

TABLE I—FIELD STRENGTH VOLTS/METER

Frequency	Peak	Average
10–500 KHz	60	60
500–2000	80	80
2–30 MHz	200	200
30–100	33	33
100–200	150	33
200–400	56	33
400–1000	4020	935
1–2 GHz	7850	1750
2–4	6000	1150
4–6	6800	310
6–8	3600	666
8–12	5100	1270
12–18	3500	551
18–40	2400	750

The envelope given in paragraph 1 above is a revision to the envelope used in previously issued special conditions in other certification projects. It is based on new data and SAE AE4R subcommittee recommendations. This revised envelope includes data from Western Europe and the U.S. It will also be adopted by the European Joint Airworthiness Authorities.

or:

(2) The applicant may demonstrate by a laboratory test that the electrical and electronic systems that perform critical functions can withstand a peak of electromagnetic field strength of 100 volts per meter (v/m) or the external HIRF environment, whichever is less, in a frequency range of 10KHz to 18GHz. When using a laboratory test to show compliance with the HIRF requirements, no credit is given for signal attenuation due to installation.

A preliminary hazard analysis must be performed by the applicant for approval by the FAA to identify electrical and/or electronic systems that perform critical functions. The term *critical* means those functions whose failure would contribute to, or cause, a failure condition that would prevent the continued safe flight and landing of the airplane. The systems identified by the hazard analysis that perform critical functions are candidates for the application of HIRF requirements. A system may perform both critical and non-critical functions. Primary electronic flight display systems, and their associated components, perform critical functions such as attitude, altitude, and airspeed indication. The HIRF requirements apply only to critical functions.

Compliance with HIRF requirements may be demonstrated by tests, analysis, models, similarity with existing systems, or a combination thereof. Service experience alone is not acceptable since such experience in normal flight operations may not include an exposure to the HIRF environment. Reliance on a system with similar design features for redundancy as a means of protection against the effects of external HIRF is generally insufficient since all elements of a redundant system are likely to be exposed to the fields concurrently.

Conclusion

In view of the design features discussed for the Beech Model 58 Series airplane, the following special conditions are issued. This action is not a rule of general applicability and affects only those applicants who apply to the FAA for approval of these features on these airplanes.

The substance of these special conditions has been subject to the notice and public comment procedure in several prior instances. For example, the Piper PA–42 (51 FR 37711, October 24, 1986), the Dornier 228–200 (53 FR 14782, April 26, 1988), and the Cessna Model 525 (56 FR 49396, September 30, 1991). For this reason, and because a delay would significantly affect the applicant's installation of the system and certification of the airplane, which is imminent, the FAA has determined that good cause exists for adopting these special conditions without notice; therefore, special conditions are being issued without substantive changes for this airplane and made effective 30 days after issuance.

List of Subjects in 14 CFR Parts 21 and 23

Aircraft, Air transportation, Aviation safety, and Safety. The authority citation for these special conditions is as follows:

Authority: Secs. 313(a), 601, and 603 of the Federal Aviation Act of 1958; as amended (49 U.S.C. 1354(a), 1421, and 1423); 49 U.S.C. 106(g); 14 CFR 21.16 and 21.101; and 14 CFR 11.28 and 11.49.

Adoption of Special Conditions

Accordingly, pursuant to the authority delegated to me by the Administrator, the following special conditions are issued as part of the supplemental type certification basis for the modified Beech Model 58 Series airplane:

1. *Protection of Electrical and Electronic Systems from High Intensity Radiated Fields (HIRF).* Each system that performs critical functions must be designed and installed to ensure that the operation and operational capabilities of these systems to perform critical functions are not adversely affected when the airplane is exposed to high intensity radiated electromagnetic fields external to the airplane.

2. For the purpose of these special conditions, the following definitions apply: *Critical Functions.* Functions whose failure would contribute to or cause a failure condition that would prevent the continued safe flight and landing of the airplane.

Issued in Kansas City, Missouri on March 3, 1992.

Larry E. Werth,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 92–5761 Filed 3–11–92; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

14 CFR Part 39

[Docket No. 91-CE-90-AD; Amendment 39-8201; AD 92-07-05]

Airworthiness Directives; Beech 90, 99, and 100 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes Airworthiness Directive (AD) 91-12-12, which currently requires a one-time inspection of the rudder trim tab drainage area for proper drainage provisions on certain Beech 90, 99, and 100 series airplanes, and subsequent modification if correct drainage provisions do not exist. The Federal Aviation Administration (FAA) has determined that the actions specified by AD 91-12-12 should also apply to other serial numbered airplanes currently not affected by that AD. The actions specified by this AD are intended to prevent structural damage or imbalance to the rudder caused by improper drainage of water from the rudder trim tab.

DATES: Effective April 30, 1992.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of April 30, 1992.

ADDRESSES: Service information that is applicable to this AD may be obtained from the Beech Aircraft Corporation, P.O. Box 85, Wichita, Kansas 67201-0085. This information may also be examined at the Federal Aviation Administration, Central Region, Office of the Assistant Chief Counsel, room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Mr. Don Campbell, Aerospace Engineer, Wichita Aircraft Certification Office, FAA, 1801 Airport Road, Mid-Continent Airport, Wichita, Kansas 67209; Telephone (316) 946-4128; Facsimile (316) 946-4407.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations to include an AD that is applicable to certain Beech 90, 99, and 100 series airplanes was published in the Federal Register on December 23, 1991 (56 FR 66379). The action proposed to supersede AD 91-12-12, Amendment 39-7023 (56 FR 26020, June 6, 1991), with a new AD that would (1) expand the applicability of the Model C90A airplanes; and (2) retain the requirements of AD 91-12-12, which required a one-time inspection of the rudder trim tab drainage area for proper drainage provisions and subsequent modification if correct drainage provisions do not exist. The inspection and possible modification would be accomplished in accordance with Beech Service Bulletin No. 2365, Revision 1, dated December 1991.

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were received on the proposed rule or the FAA's determination of the cost to the public. After careful review, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed except for minor editorial corrections. The FAA has determined that these minor corrections will not change the meaning of the AD nor add any additional burden upon the public than was already proposed.

The FAA estimates that 2,068 airplanes in the U.S. registry will be affected by this AD, that it will take approximately 1 workhour per airplane to accomplish the required action, and that the average labor rate is approximately $55 an hour. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $113,740. However, AD 91-12-12 required the same actions as the proposed AD on 2,032 airplanes. This AD will pose an additional cost impact on U.S. operators of $1,980 (36 airplanes times 1 workhour at $55) than that already required by AD 91-12-12.

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the final evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **"ADDRESSES"**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for Part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13—[Amended]

2. Section 39.13 is amended by removing AD 91-12-12, Amendment 39-7023 (56 FR 26020, June 6, 1991), and adding the following new AD:

92-07-05 Beech: Amendment 39-8201; Docket No. 91-CE-90-AD. Supersedes AD 91-12-12, Amendment 39-7032.

Applicability: Models 65-90, 65-A90, 65-A90-1, 65-A90-2, 65-A90-3, 65-A90-4, B90, and C90 airplanes (all serial numbers (S/N)); Model C90A airplanes (S/N LJ-1063 through LJ-1280); Models E90, H90, 99, 99A, A99A, B99, C99, 100, A100, and B100 airplanes (all S/N), certificated in any category.

Compliance: Required within the next 150 hours time-in-service after the effective date of this AD, unless already accomplished (superseded AD 91-12-12, Amendment 39-7023).

To prevent structural damage or imbalance to the rudder caused by improper drainage of water from the rudder trim tab, accomplish the following:

(a) Inspect the rudder trim tab for proper moisture drainage provisions in accordance with the instructions in Beech Service Bulletin No. 2365, Revision 1, dated December 1991. If the correct drainage provisions do not exist, prior to further flight, modify the rudder trim tab in accordance with the instructions in the referenced service bulletin.

Note: The requirements of this AD may have already been accomplished in accordance with superseded AD 91-12-12, Amendment 39-7023. A change in the Applicability paragraph is the only difference between this action and superseded AD 91-12-12.

(b) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a location where the requirements of this AD can be accomplished.

(c) An alternative method of compliance or adjustment of the compliance time that provides an equivalent level of safety may be approved by the Manager, Wichita Aircraft Certification Office, FAA, 1801 Airport Road, Mid-Continent Airport, Wichita, Kansas 67209. The request should be forwarded through an appropriate FAA Maintenance

Inspector, who may add comments and then send it to the Manager, Wichita Aircraft Certification Office.

(d) The inspection and possible modification required by this AD shall be done in accordance with Beech Service Bulletin No. 2365, Revision 1, dated December 1991. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from the Beech Aircraft Corporation, P.O. Box 85, Wichita, Kansas 67201-0085. Copies may be inspected at the FAA, Central Region, Office of the Assistant Chief Counsel, room 1558, 601 E. 12th Street, Kansas City, Missouri, or at the Office of the Federal Register, 1100 L Street, NW.; room 8401, Washington, DC.

(e) This amendment (39-8201) supersedes AD 91-12-12, Amendment 39-7023.

(f) This amendment (39-8201) becomes effective on April 30, 1992.

Issued in Kansas City, Missouri, on March 5, 1992.

Larry E. Werth,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 92-5679 Filed 3-11-92; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 90-ASW-48, Amdt. 39-8192; AD 92-06-12]

Airworthiness Directives; Bell Helicopters Textron, Inc. (BHTI), Model 206A, 206B, 206L, 206L-1 and 206L-3 Helicopters

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to BHTI Model 206A, 206B, 206L, 206L-1 and 206L-3 helicopters that requires the removal from service and replacement of certain main transmission sungears and mating spur gears. This amendment is needed to prevent premature wear of the sungear teeth and mating parts which, if uncorrected, could result in transmission failure and loss of control of the helicopter.

EFFECTIVE DATE: April 13, 1992.

ADDRESSES: The applicable service information may be obtained from Bell Helicopter Textron, Inc., P.O. Box 482, Fort Worth, Texas 76101. This information may be examined at the FAA, Office of the Assistant Chief Counsel, Rules Docket, 4400 Blue Mound Road, Bldg. 3B, room 158, Fort Worth, Texas.

FOR FURTHER INFORMATION CONTACT: Mr. Donovan C. Duncan, Rotorcraft Directorate, Rotorcraft Certification Office, ASW-170, FAA, Southwest Region, Fort Worth, Texas 76193-0170, telephone (817) 624-5315.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations to include an airworthiness directive (AD) that is applicable to BHTI Model 206A, 206B, 206L, 206L-1 and 206L-3 helicopters, was published in the **Federal Register** on June 26, 1991 (56 FR 29197). That notice proposed to require inspection of the sungear and mating spur gears and the removal and replacement of specified gears.

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were received on the proposal or the FAA's determination of the cost to the public. Since the Model 206B includes the commercial 206BIII configuration that was listed separately in the NPKM, the Model 206BIII designation has been removed from the final rule to avoid confusion. Additionally, a new paragraph has been added to provide an alternative means of compliance. These changes neither increase the economic burden on persons nor increase the scope of the AD. Therefore, with the exception of these minor changes, the amendment is adopted as proposed.

There are approximately 31 BHTI Model 206A, B, L, L-1 and L-3 helicopters that will be affected by this AD. It is estimated that it will take approximately 16 work hours per helicopter to accomplish the required actions, and that the average labor rate is $55 per manhour. Required parts will cost approximately $2,550 per helicopter. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $106,330.

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the final regulatory evaluation prepared for this action is contained in the Rules Docket at the location provided under the caption **"ADDRESSES."**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, and Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

AD 92-06-12 Bell Helicopter Textron, Inc.: Amendment 39-8192 Docket 90-ASW-48.

Applicability: All Model 206A, 206B, 206L, 206L-1, and 206L-3 helicopters, certificated in any category, with the main transmission sungear, part number (P/N) 206-040-662-101, installed.

Compliance: Required as indicated, unless already accomplished.

To prevent premature wear of the sungear and mating spur gears which could result in transmission failure, accomplish the following:

(a) At the next inspection interval for the main transmission sungear, P/N 206-040-662-101, but no later than 1,500 hours' time in service after the effective date of this AD, remove and replace sungears which have the following serial numbers:

SD-0005 SD-0010 SD-0020 SD-0022 SD-0023 SD-0024 SD-0025 SD-0026 SD-0027 SD-0031 SD-0033 SD-0034 SD-0035 SD-0036 SD-0037 SD-0039 SD-0040 SD-0043 SD-0044 SD-0046 SD-0054 SD-0055 SD-0057 SD-0060 SD-0062 SD-0065 SD-0066 SD-0067 SD-0068 SD-0069 SD-0071

(b) In conjunction with (a), inspect the pinion spur gears which mate with the above listed sungears for micro pitting or hardlines in the gear teeth due to the insufficient tip relief, or improper tooth profile of the sungear. Determine if wear or damage is within specified limits according to the applicable BHTI maintenance, repair and overhaul manuals.

(c) If wear or damage exceeds the specified limits, remove and replace the affected spur gears with serviceable parts before further flight.

(d) An alternative method of compliance or adjustment of the compliance times which provides an acceptable level of safety may be used if approved by the manager, Rotorcraft

Certification Office, ASW-170, Rotorcraft Directorate, Aircraft Certification Service, FAA, Fort Worth, Texas, 76193-0170.

(e) Bell Helicopter Textron, Inc., Alert Service Bulletins No. 206-90-56, Rev. A, dated 1/15/91 or 206L-90-69, Rev. A, dated 1/15/91, as applicable, provide an acceptable, alternate means of compliance with this AD.

(f) This amendment becomes effective on April 13, 1992.

Issued in Forth Worth, Texas, on February 26, 1992.

Henry A. Armstrong,

Acting Manager, Rotocraft Directorate, Aircraft Certification Service.

[FR Doc. 92-5763 Filed 3-11-92; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 91-CE-72-AD; Amendment 39-8202; AD 92-07-06]

Airworthiness Directives; British Aerospace (BAe), Regional Aircraft Limited, Beagle B121 Pup Series 1, 2, and 3 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that will supersede AD 83-07-01, which currently requires an inspection of each wing spar web in the area of the root rib for cracks on BAe, Regional Aircraft Limted, Beagle B121 Pup series 1, 2, and 3 airplanes, repair if cracks are found, and the incorporation of a repair scheme. The Federal Aviation Administration (FAA) has received reports of cracking in the root rib area of wing spars on affected airplanes that have accumulated 2,000 hours time-in-service (TIS). This action retains the actions of AD 83-07-01, but reduces the compliance time from 2,000 hours TIS to 1,300 hours TIS. The actions specified by this AD are intended to prevent failure of each wing spar, which could result in loss of control of the airplane.

DATES: Effective April 30, 1992.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of April 30, 1992.

ADDRESSES: Service information that is applicable to this AD may be obtained from British Aerospace, Regional Aircraft Limited, Manager Product Support, Regional Aircraft Ltd, Prestwick Airport, Ayrshire, KA9 2RW Scotland; Telephone (44-292) 79888; Facsimile (44-292) 79703; or British Aerospace, Inc., Librarian, Box 17414, Dulles International Airport, Washington, DC 20041; Telephone (703) 435-9100; Facsimile (703) 435-2628. This information may also be examined at the FAA, Central Region, Office of the Assistant Chief Counsel, room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Mr. Raymond A. Stoer, Program Officer, Brussels Aircraft Certification Office, FAA, Europe, Africa, and Middle East Office, c/o American Embassy, B-1000 Brussels, Belgium; Telephone (322) 513.38.30 ext. 2710; Facsimile (322) 230.68.99; or Mr. John P. Dow, Sr., Project Officer, Small Airplane Directorate, Airplane Certification Service, FAA, 601 E. 12th Street, Kansas City, Missouri 64106; telephone (816) 426-6932; Facsimile (816) 426-2169.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations to include an AD that is applicable to certain British Aerospace (BAe), Regional Aircraft Limited, Beagle B121 Pup series 1, 2, and 3 airplanes was published in the **Federal Register** on October 25, 1991 (56 FR 55242). The action proposed an inspection of each wing spar web in the area of the root rib for cracks upon the accumulation of 1,300 hours time-in-service (TIS) in accordance with BAe Pup Mandatory Service Bulletin B121/79, Revision 1, dated February 15, 1991, repair if cracks are found, and the incorporation of Repair Scheme No. BE.03.10169 in accordance with Drawing No. BE.20.10313. The proposed action would supersede AD 83-07-01, Amendment 39-4598 (48 FR 13400, March 31, 1983).

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the one comment received.

The comment is from the manufacturer (British Aerospace), who states that the drawing referenced in paragraph (a)(2) of the proposed AD should be Drawing No. BE.03.10169 instead of BE.20.10313. The manufacturer states that this would also agree with the referenced service bulletin. The FAA concurs with the comment and has revised the AD accordingly.

After careful review, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed except for the change in the drawing number described above and minor editorial corrections. The FAA has determined that these minor corrections and the change in drawing number will not change the meaning of the AD nor add any additional burden upon the public than was already proposed.

The FAA estimates that 3 airplanes in the U.S. registry will be affected by this AD, that it will take approximately 10 hours per airplane to accomplish the required action, and that the average labor rate is approximately $55 an hour. Parts cost approximately $18 per airplane. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $1,704. The above cost analysis is the same as that of AD 83-07-01, which will be superseded by this AD. This action will only reduce the compliance time from 2,000 hours TIS to 1,300 hours TIS and would pose no additional cost impact on U.S. operators than that presently required by AD 83-07-01.

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the final evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption "**ADDRESSES**".

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by removing AD 83-07-01, Amendment 39-4598 (48 FR 13400, March 31, 1983), and adding the following new AD:

92-07-06 British Aerospace, Regional Aircraft Limited: Amendment 39-8202; Docket No. 91-CE-72-AD. Supersedes AD 83-07-01, Amendment 39-4598.

Applicability: Beagle B121 Pup series 1, 2, and 3 (all serial numbers) airplanes without Modification No. BE.214 incorporated on both mainplanes, certificated in any category.

Note 1: Modification No. BE.214 is a replacement of the wing/fuselage joint plate that is equivalent to the requirements of this AD action.

Compliance: Required upon the accumulation of 1,300 hours time-in-service (TIS) or within the next 100 hours TIS after the effective date of this AD, whichever occurs later, unless already accomplished.

Note 2: The requirements of this AD may have been accomplished in accordance with superseded AD 83-07-01, Amendment 39-4598.

To prevent failure of each wing spar, which could result in loss of control of the airplane, accomplish the following:

(a) Inspect each wing spar web in the area immediately outboard of the root rib by accomplishing paragraphs 3.2.2 through 3.2.4 of paragraph 3. ACTION in BAe Pup Mandatory Service Bulletin (SB) B121/79, Revision 1, dated February 15, 1991.

(1) If found cracked, prior to further flight, obtain an FAA-approved repair scheme from the manufacturer through the Brussels Aircraft Certification Office at the address specified in paragraph (d) of this AD, and incorporate this repair scheme.

(2) If cracks are not found, prior to further flight, modify each wing spar web by incorporating Repair Scheme BE.03.10169 in accordance with Drawing No. BE.03.10169, and accomplish paragraphs 3.2.6 and 3.2.7 of paragraph 3. ACTION in BAe Pup Mandatory SB B121/79, Revision 1, dated February 15, 1991.

(c) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate the airplane to a location where the requirements of this AD can be accomplished.

(d) An alternative method of compliance or adjustment of the compliance time that provides an equivalent level of safety may be approved by the Manager, Brussels Aircraft Certification Office, FAA, Europe, Africa, and Middle East Office, c/o American Embassy, B-1000 Brussels, Belgium. The request should be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Brussels Aircraft Certification Office.

(e) The inspection and modification required by this AD shall be done in accordance with British Aerospace Pup Mandatory Service Bulletin (SB) B121/79, Revision 1, dated February 15, 1991. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from British Aerospace, Regional Aircraft, Ltd., Manager Product Support, Prestwick Airport, Ayrshire, KA9 2RW Scotland. Copies may be inspected at the FAA, Central Region, Office of the Assistant Chief Counsel, room 1558, 601 E. 12th Street, Kansas City, Missouri, or at the Office of the Federal Register, 1100 L Street, NW.; room 8401, Washington, DC.

(f) This amendment (39-8202) supersedes AD 38-07-01, Amendment 39-4598.

(g) This amendment (39-8202) becomes effective on April 30, 1992.

Issued in Kansas City, Missouri, on March 5, 1992.

Larry E. Werth,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 92-5696 Filed 3-11-92; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 91-ANE-58; Amendment 39-8179; AD 92-04-08];

Airworthiness Directives; General Electric Company (GE); CF6-80A Series Turbofan Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule, request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD) applicable to GE CF6-80A series turbofan engines, that requires removal from service of certain high pressure turbine rotor (HPTR) stage 1 disk/shafts that may have surface damage in the bore area. This AD also requires a one-time eddy current and fluorescent penetrant inspection of the HPTR stage 1 disk/shaft bore area. This amendment is prompted by a report of an uncontained separation of a CF6-80A HPTR stage 1 disk/shaft. This condition, if not corrected, can result in an uncontained engine failure, inflight engine shutdown, and damage to the aircraft.

DATES: Effective March 27, 1992.

Comments must be received no later than April 13, 1992.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of March 27, 1992.

ADDRESSES: Send comments in duplicate to the FAA, New England Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 91-ANE-58, 12 New England Executive Park, Burlington, Massachusetts 01803-5299, or deliver in duplicate to room 311 at the above address.

Comments may be inspected at the above location between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except federal holidays.

FOR FURTHER INFORMATION CONTACT: Karen M. Grant, Engine Certification Office, ANE-140, Engine and Propeller Directorate, Aircraft Certification Service, FAA, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803-5299; telephone (617) 273-7096.

SUPPLEMENTARY INFORMATION: There have been three reports of surface damage in the bore area of CF6-80A HPTR stage 1 disk/shafts. One incident resulted in separation of the HPTR stage one disk/shaft due to a crack located on the aft bore face of the HPTR stage 1 disk causing an uncontained engine failure. Metallurgical examination of the fracture surface revealed a single crack which initiated from surface damage in the bore area and propagated to failure in low cycle fatigue. The FAA has determined that the surface damage resulted from an electrical arc which occurred during a chrome plating repair process. HPTR stage 1 disk/shafts that have gone through a similar chrome plating repair process have a high probability of sustaining surface damage from an electrical arc. This condition could propagate to failure prior to the HPTR stage 1 disk/shaft reaching its life limit. This condition, if not corrected, can result in an uncontained engine failure, an inflight engine shutdown, and damage to the aircraft.

The FAA has reviewed and approved the technical contents of GE CF6-80A SB 72-605, dated December 20, 1991, which describes the removal and inspection requirements for the affected HPTR stage 1 disk/shafts.

Since this condition is likely to exist or develop on other engines of this same type design, this AD requires a one time inspection of all affected HPTR stage 1 disk/shafts and removal and replacement of disk/shafts found damaged in accordance with the SB previously described.

Since a situation exists that can result in an uncontained engine failure, an inflight engine shutdown, and damage to the aircraft, there is a need to minimize the exposure of revenue service aircraft to operation with HPTR stage 1 disk/shafts with surface damage. Based on this condition, a situation exists that requires immediate adoption of this regulation. Therefore, it is found that prior notice and opportunity for public comment hereon are impracticable, and good cause exists for making this amendment effective in less than 30 days.

Although this action is in the form of a final rule, which involves an emergency and, thus, was not preceded by notice and public procedure, interested persons are invited to submit such written data, views, or arguments as they may desire regarding this AD. Communications should identify the docket number and be submitted to the FAA, New England Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 91–ANE–58, 12 New England Executive Park, Burlington, Massachusetts 01803–5299. All communications received by the deadline date indicated above will be considered by the Administrator, and the AD may be changed in light of the comments received. The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

The FAA has determined that this regulation is an emergency regulation and that it is not considered to be major under Executive Order 12291. It is impracticable for the agency to follow the procedures of Executive Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been determined further that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). If it is determined that this emergency regulation otherwise would be significant under DOT Regulatory Policies and Procedures, a final regulatory evaluation will be prepared and placed in the Rules Docket (otherwise, an evaluation is not required). A copy of it, if filed, may be obtained from the Rules Docket.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration (FAA) amends 14 CFR part 39 of the Federal Aviation Regulations (FAR) as follows:

PART 39—[AMENDED]

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g), and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive (AD):

92–04–08 **General Electric Company:** Amendment No. 39–8179. Docket No. 91–ANE–58

Applicability: General Electric Company (GE) CF6–80A series turbofan engines installed on, but not limited to, Airbus A310 and Boeing 767 aircraft.

Compliance: Required as indicated, unless previously accomplished.

To prevent an uncontained engine failure, an inflight engine shutdown, and damage to the aircraft, accomplish the following:

(a) Prior to further flight, after the effective date of this AD, remove from service CF6–80A high pressure turbine rotor (HPTR) stage 1 disk/shafts identified by the following part number (P/N) and serial number (S/N):

Part number	Serial number
9362M58	MPOP8483.
9362M58	MPOS1676.

Prior to returning affected engines to service replace with a serviceable part.

(b) Eddy current and fluorescent penetrant inspect, CF6–80A HPTR stage 1 disk/shafts identified by the following P/N and S/N, in accordance with the Accomplishment Instructions of GE CF6–80A Service Bulletin (SB) 72–605, dated December 20, 1991, within the next 400 cycles in service (CIS) after the effective date of this AD, not to exceed 3,400 total CIS since last chrome plating repair procedure:

Part number	Serial number
9234M67	MPOP2707.
9234M67	MPON6442.
9234M67	MPOP7075.
9362M58	MPOS4048.

(c) Remove from service CF6–80A HPTR stage 1 disk/shafts which exceed the serviceable limits defined in Paragraphs 2.C.(6) and 2.D. of the Accomplishment Instructions of GE CF6–80A SB 72–605, dated December 20, 1991.

(d) Aircraft may be ferried in accordance with the provisions of FAR 21.197 and 21.199 to a base where the AD can be accomplished.

(e) Upon submission of substantiating data by an owner or operator through an FAA Inspector (maintenance, avionics, or operations, as appropriate), an alternate method of compliance with the requirements of this AD or adjustments to the compliance times specified in this AD may be approved by the Manager, Engine Certification Office, Engine & Propeller Directorate, Aircraft Certification Service, 12 New England Executive Park, Burlington, Massachusetts 01803–5299.

(f) The inspections shall be done in accordance with the following General Electric document:

Document No.	Page No.	Issue	Date
GE CF6–80A	1–29	Original	Dec. 20, 1991.
SB 72–605			
Total pages:	29		

This incorporation was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from General Electric Aircraft Engines, CF6 Distribution Clerk, room 132, 111 Merchant Street, Cincinnati, Ohio 45246. Copies may be inspected at the FAA, New England Region, Office of the Assistant Chief Counsel, room 311, 12 New England Executive Park, Burlington, Massachusetts, or at the Office of the Federal Register, 1100 L Street, NW., room 8401, Washington, DC.

(g) This amendment (39–8179, AD 92–04–08) becomes effective March 27, 1992.

Issued in Burlington, Massachusetts, on January 30, 1992.

Jack A. Sain,

Manager, Engine and Propeller Directorate, Aircraft Certification Service.

[FR Doc. 92–5817 Filed 3–11–92; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 12

Patent Surveys: Period of Eligibility

AGENCY: Customs Service, Department of the Treasury.

ACTION: General notice of policy.

SUMMARY: The United States Customs Service wishes to clarify its position with respect to the period during which patent surveys may be requested pursuant to title 19, Code of Federal Regulations, § 12.39a.

Title 19, Code of Federal Regulations, § 12.39a permits the owner of a patent registered in the United States to request Customs assistance in obtaining the names and addresses of importers of merchandise which appears to infringe

the patent. Title 35, United States Code, section 286 provides for a six year statute of limitations during which a patent owner may initiate an action for infringement. This six year period extends beyond the expiration of a patent's term of registration with respect to any infringement that occurred while the registration was still in force.

It is Customs position, as a matter of policy and consistent with patent law, that this six year period is available with respect to patent surveys as well. The information obtained during a patent survey may be central to the patent owner's ability to prosecute violations of its rights within the established statute of limitations. Therefore, the owner of a patent for which the registration has expired may request a patent survey during the six years immediately following the expiration of that registration. Under no circumstances will patent surveys commenced during this six year period remain in effect beyond the sixth anniversary of the expiration of the patent registration.

EFFECTIVE DATE: March 12, 1992.

FOR FURTHER INFORMATION CONTACT: John F. Atwood, Intellectual Property Rights Branch, 1301 Constitution Avenue, NW., Washington, DC 20229, (202) 566–6956.

Dated: March 3, 1992.

Stuart P. Seidel,

Director, International Trade Compliance Division.

[FR Doc. 92–5692 Filed 3–11–92; 8:45 am]

BILLING CODE 4820–02–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 91–311; RM–7828]

Radio Broadcasting Services; Felton, CA

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allots FM Channel 229A to Felton, California, as that community's first local aural transmission service, in response to a petition for rule making filed on behalf of W. Robert Morgan. *See* FR 56489, November 5, 1991. Coordinates for Channel 229A at Felton are 37–06–17 and 121–11–10. With this action, the proceeding is terminated.

DATES: *Effective:* April 20, 1992. The window period for filing applications for Channel 229A at Felton, California, will open on April 21, 1992, and close on May 21, 1992.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 634–6530. Questions related to the window application filing process should be addressed to the Audio Services Division, FM Branch, Mass Media Bureau, (202) 632–0394.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 91–311, adopted February 25, 1992, and released March 5, 1992. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, Downtown Copy Center, (202) 452–1422, 1714 21st Street, NW., Washington, DC 20036.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under California, is amended by adding Felton, Channel 229A.

Federal Communications Commission.

Michael C. Ruger,

Assistant Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 92–5718 Filed 3–11–92; 8:45 am]

BILLING CODE 6712–01–M

47 CFR Part 73

[MM Docket No. 91–345; RM–7109]

Radio Broadcasting Services; Dade City, FL

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allots Channel 241A to Dade City, Florida, as the community's first local FM service at the request of Daniel A. and Paula C. Bernath. See 56 FR 64228, December 9, 1991. Channel 241A can be allotted to Dade City in compliance with the Commission's minimum distance separation requirements with a site restriction of 5.4 kilometers (3.4 miles) east, in order to avoid short-spacings to Station WMTX(FM), Channel 239C1, Clearwater, Florida, and Station WRXK(FM), Channel 241C, Bonita Springs, Florida. The coordinates are North Latitude 28–22–15 and West Longitude 82–08–05. With this action, this proceeding is terminated.

DATES: *Effective:* April 20, 1992; The window period for filing applications will open on April 21, 1992, and close on May 21, 1992.

FOR FURTHER INFORMATION CONTACT: Nancy J. Walls, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 91–345, adopted February 27, 1992, and released March 6, 1992. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, Downtown Copy Center, (202) 452–1422, 1714 21st Street, NW., Washington, DC 20036.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Florida, is amended by adding Dade City, Channel 241A.

Federal Communications Commission.

Michael C. Ruger,

Assistant Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 92–5720 Filed 3–11–92; 8:45 am]

BILLING CODE 6712–01–M

47 CFR Part 73

[MM Docket No. 91–130; RM–7593]

Radio Broadcasting Services; Ilwaco, WA

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of Michael T. McKenna, allots Channel 280C3 at Ilwaco, Washington, as the community's first local aural transmission service. See 56 FR 21465, May 9, 1991. Channel 280C3 can be allotted to Ilwaco in compliance with the Commission's minimum distance

separation requirements with a site restriction of 3.3 kilometers (2.0 miles) north to avoid a short-spacing to Station KTIL–FM, Channel 281C3, Tillamook, Oregon. The coordinates for Channel 280C3 at Ilwaco are North Latitude 46–20–22 and West Longitude 124–02–51. Canadian concurrence has been obtained, since Ilwaco is located within 320 kilometers (200 miles) of the U.S.-Canadian border. With this action, this proceeding is terminated.

DATES: *Effective:* April 20, 1992. The window period for filing applications will open on April 21, 1992, and close on May 21, 1992.

FOR FURTHER INFORMATION CONTACT: Sharon P. McDonald, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 91–130, adopted February 25, 1992, and released March 5, 1992. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, Downtown Copy Center, (202) 452–1422, 1714 21st Street, NW., Washington, DC 20036.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Washington, is amended by adding Ilwaco, channel 280C3.

Federal Communications Commission.

Michael C. Ruger,

Assistant Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 92–5719 Filed 3–11–92; 8:45 am]

BILLING CODE 6712–01–M

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47 CFR Part 80

[PR Docket No. 91–294, FCC 92–56]

Synthesized Voice for Distress Communications on VHF Marine Channel 16

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document authorizes and provides standards for the use of synthesized voice messages on VHF, MF, and HF marine distress frequencies. Such an amendment will permit marine electronics equipment manufacturers to incorporate synthesized voice as an integral part of transmitters or as ancillary equipment to existing marine transmitters.

EFFECTIVE DATE: April 13, 1992.

FOR FURTHER INFORMATION CONTACT: Susan Jones, Private Radio Bureau, (202) 632–7175.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order in PR Docket No. 91–294, FCC 92–56, adopted February 13, 1992, and released February 26, 1992. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, Downtown Copy Center, (202) 452–1422, 1114 21st Street, NW., Washington, DC 20036.

Summary of Report and Order

Mr. Robert Tendler filed with the Commission a Request for an Issuance of Declaratory Ruling, asking the Commission to interpret part 80 of the Commission's Rules to permit the use of automated synthesized voice on VHF marine channel 16 for distress transmissions. The Commission denied this Request, proceeding instead with a Notice of Proposed Rule Making, 56 FR 57501 (1991), 6 FCC Rcd 5994 (1991), [Notice] full rule making so that the issue could have adequate opportunity for public review and comment. All commenters to the Notice supported permitting the use of synthesized voice for distress communications to improve marine safety. Several commenters suggested that the equipment used to generate a synthesized voice message should include technology to guard against excessive repetition, the unreasonable length of messages, and inadvertant activation. Other commenters suggested permitting synthesized voice on HF and MF distress frequencies, in addition to the VHF frequency as was initially proposed. The Report and Order, incorporates the public comments to adopt the Notice substantially as it was proposed.

Ordering Clause

In accordance with the above discussion, and pursuant to the authority contained in section 4(i) and 303(f) of the Communication Act of 1934, as amened, 47 U.S.C. 4(i) and 303(f). Part 80 of the Commission's Rules, 47 CFR part 80, is amended, as set forth below.

List of Subjects in 47 CFR Part 80

Marine safety, Radio.

Federal Communications Commission.

Donna R. Searcy,

Secretary.

Rule Changes

Part 80 of chapter I of title 47 of the Code of Federal Regulations is amended as follows:

PART 80—STATIONS IN THE MARITIME SERVICES

1. The authority citation for part 80 continues to read:

Authority: Secs. 4, 303, 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303, unless otherwise noted. Interpret or apply 48 Stat. 1064–1068, 1081–1105, as amended; 47 U.S.C. § 151–155, 301–609; 3 UST 3450, 3 UST 4726, 12 UST 2377.

2. Section 80.203 is amended by adding a new paragraph (m) to read as follows:

§ 80.203 Authorization of transmitters for licensing.

* * * * *

(m) Ship station MF, HF, and VHF transmitters may employ external or internal devices to send synthesized voice transmissions for distress and safety purposes on any distress and safety frequency authorized for radiotelephony listed in § 80.369 provided the following requirements are met:

(1) The technical characteristics of the distress transmissions must comply with this part.

(2) A transmitter and any internal device capable of transmitting a synthesized voice message must be type accepted as an integral unit.

(3) The synthesized voice distress transmission must begin with the words "this is a recording" and should be comprised of at least:

(i) the radiotelephone distress call as described in § 80.315(b) and the ship's position as described in § 80.316(c); or

(ii) the radiotelephone distress message as described in § 80.316(b). If available, the ship's position should be reported as described in § 80.316(c).

(4) Such transmission must be initiated manually by an off-switch that is protected from inadvertent activation and must cause the transmitter to switch to an appropriate distress and safety frequency. The radiotelephone distress call and message described in

§§ 80.203(m)(3) (i) and (ii), respectively, may be repeated. However, the entire transmission including repeats must not exceed 45 seconds from beginning to end. Upon ending the transceiver must return to the receive mode and must not be capable of sending the synthesized distress call for at least thirty seconds. Placing the switch to the off position must stop the distress transmission and permit the transmitter to be used to send and receive standard voice communications.

(5) Use of the microphone must cause the synthesized voice distress transmission to cease and allow the immediate use of the transmitter for sending and receiving standard voice communications.

[FR Doc. 92-5834 Filed 3-11-92; 8:45 am]
BILLING CODE 6712-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 285

[Docket No. 920124-2024]

RIN 0648-AD01

Atlantic Bluefin Tuna Fishery

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Final rule.

SUMMARY: NMFS issues this final rule to (1) reduce the daily catch limit in the Angling category from four to two Atlantic bluefin tuna per person for fish less than 77 inches (196 cm), of which only one may be a medium; and (2) reduce the daily vessel limit for mediums from four to two for vessels having two or more anglers. This action is necessary to improve management of the angling sector, which in recent years has exceeded the assigned annual quota. The intent of this action is to help ensure that the United States fulfills its obligations to conserve and manage the Atlantic bluefin tuna resource in accordance with the recommendations of the International Commission for the Conservation of Atlantic Tunas (ICCAT).

EFFECTIVE DATE: April 13, 1992.

ADDRESSES: Copies of the environmental assessment and final regulatory flexibility analysis referred to in this rule, as well as other previously published reports, are available from Richard Schaefer, National Marine Fisheries Service, Office of Fisheries Conservation and Management, 1335 East-West Highway, Silver Spring, MD 20910.

FOR FURTHER INFORMATION CONTACT: Richard Stone, (301) 713-2347 or Kathi Rodrigues, (508) 281-9324.

SUPPLEMENTARY INFORMATION:

Background

On March 11, 1991, NMFS published a proposed rule at 56 FR 10227 to amend the regulations governing the Atlantic bluefin tuna fishery (50 CFR part 285). The rule was intended to prevent a directed fishery for Atlantic bluefin tuna in the Gulf of Mexico (Gulf) and improve management of the angling sector. The rule also proposed technical revisions to improve the effectiveness of existing regulations. On October 3, NMFS published a final rule implementing one of the technical revisions which required annual renewal of Atlantic bluefin tuna fishing permits (56 FR 50061). On January 6, 1992 (57 FR 365), NMFS published a final rule implementing regulations concerning the Gulf and the remaining technical revisions. Portions of the proposed rule concerning the angling sector were withheld pending a determination that they would be consistent with new measures adopted at the November 1991 ICCAT meeting. This final rule implements the remaining measures to improve management of the angling sector.

Public comment on the proposed rule was initially invited through April 25, 1991. NMFS also held a series of public hearings in New England, Mid-Atlantic and Gulf states. In response to concerns expressed at the public hearings, the comment period was reopened until May 10, 1991 (56 FR 20183; May 2, 1991).

This final rule is not intended to present a new management strategy for Atlantic bluefin tuna. The Fishery Conservation Amendments of 1990 (Pub. L. 101-627) brought all tunas under the Magnuson Fishery Conservation and Management Act (Magnuson Act) authority on January 1, 1992, and NMFS is currently in the early stages of development of a fishery management plan for tunas. NMFS is also in the early phase of developing a rulemaking to implement the recently adopted ICCAT recommendations. A series of public scoping meetings has been completed and a proposed rule is being developed. This final rule is intended to address a specific concern and to take a step toward improving management of the Angling sector and thus help ensure that the United States fulfills its current obligations to ICCAT.

This final rule addresses the overharvest of the Angling category quota. In recent years, the Angling category quota of 126 metric tons (mt) has been exceeded by an average of 146 mt each year, and by over 400 mt in 1990. Overages in the Angling category have occurred because of the lack of timely catch data for this sector of the fishery. To monitor quotas, NMFS relies on catch figures from mandatory dealer reports for fish that are sold, and a recreational survey to estimate the unsold portion of the catch. However, the recreational survey cannot provide results until 8-12 months after the fishery has ended. Most of the angler catch is not sold and the dealer-reported catch figures are usually not large enough to close the fishery. As a result, the fishery has operated longer than it should at too high a catch rate, and the quota has been exceeded by a significant amount.

Recent information indicates that, on average, 98 percent of the Angling category quota is harvested by the end of June, and 130 percent has been harvested by the end of July. Given the difficulty in closing this fishery at the appropriate time in the past and, until data collection can be improved, NMFS intends to rely more heavily on the previous years' data to project the date when the quota will be attained.

The measures in the proposed rule would have reduced the daily Angler limit to one fish, with a vessel limit of four mediums per vessel. NMFS received overwhelming opposition to the proposed daily angler limit (one bluefin), particularly from the charter/partyboat industry. That segment of the industry felt that its customers would not find it worthwhile to fish for one bluefin, resulting in severe industry financial losses. Many charter/partyboat owners and operators did feel, however, that their customer base could be maintained if the daily angler limit was set initially at two. However, industry representatives pointed out that their greatest losses would occur from early season closure and many favored flexibility to reduce to one fish per angler per day to extend the season.

NMFS also received comments requesting that serious consideration be given to protecting medium-sized bluefin that also fall under the Angling category and contribute to the quota overage. Landings of medium fish have increased in recent years. Currently, anglers are allowed to land four medium bluefin per vessel for vessels having four or more anglers on board. Many commenters believed medium bluefin should receive more protection because these fish are essential to a recovery of the spawning stock.

In response to these points, NMFS has revised the daily angler limit from the one-fish limit in the proposed rule, to two fish, initially, with an option to reduce to one fish to extend the season as much as possible. NMFS agrees with many of the commenters that a reduction of the allowable vessel limit from four to two medium-sized fish daily is necessary to discourage the development of a significant fishery for medium bluefin. This measure is expected to have little impact on current practices in the fishery because most vessels land only one or two mediums per trip. This measure is not intended to reduce significantly landings of mediums, because more drastic action may only serve to shift effort to smaller fish, which would have a greater negative impact on the stock. Instead, the measure addresses NMFS' concern that the potential for vessels to increase catches of medium bluefin up to the current four-fish limit should be curtailed. A reduction of the daily vessel limit should stabilize this sector of the fishery.

Discussion of Public Comments

NMFS received 150 comments on the measure to reduce the daily catch limit to from four to one; approximately 80 percent of the commenters opposed that measure. Comments were submitted by congressional representatives, a state assembly, state legislators, a township council, state wildlife agencies, fishing associations, marine research and conservation organizations, charter boat owners and operators, recreational fishermen, and other individuals. Only the portions that pertain to the measures implemented by this rulemaking are addressed below.

Comment: Several commenters expressed concern that the proposed actions are not consistent with ICCAT intentions; some felt that the proposed actions fall short of those required for conservation and management, while others felt that the actions will result in underharvest of the ICCAT quota.

Response: The primary conservation measures for Atlantic bluefin tuna are a quota and size limit established by ICCAT. NMFS' management measures allow U.S. fisheries to operate within the ICCAT constraints. Since the measures implemented by this final rule are intended to improve quota compliance, NMFS believes that they will further ICCAT's conservation goals. The measure pertaining to the reduced daily angler limit is specifically designed to address ICCAT's concern for the overharvest of small fish.

Comment: Many commenters expressed concern that participants in the Angling category are discriminated against. Several said they would not oppose the change in the Angling category if other categories were also affected. Several believed that the proposed rule would reduce the quota in the Angling category.

Response: Some commenters appear to have interpreted the reduction in the daily angler limit to be a reduction in the quota allocated to the Angling category. NMFS reiterates that the final rule does not reduce the Angling category quota, only the rate of harvest. NMFS does not agree that further restrictions are needed for categories that do not exceed their quota.

Comment: Many commenters challenged NMFS' determination that the measures will not have significant economic impacts, and indicated they believe there will be severe impacts on recreational fishing businesses and associated coastal enterprises.

Response: The quota system currently in place has been the basis of bluefin tuna management since 1983 and the impacts of implementing the system were analyzed at that time. The 126 mt quota allocated to the Angling category was based on the performance of that sector and, therefore, did not significantly affect the participants. If additional investment has occurred in the fishery since 1983, however, it occurred with full knowledge of NMFS' intent to maintain the harvest at 126 mt per year. NMFS is seeking to maintain this same allowable level of harvest in the least economically disruptive manner, i.e., by reduction of daily takes rather than by early closure, if possible. In addition, NMFS does not believe the bag limit reduction will have a significant economic effect on anglers because the fishery is primarily of a recreational nature and catch and release can continue under the tag and release program after the daily limit is reached and after the total Angling category quota is harvested. The Angling category quota is not reduced by this action.

Comment: One commenter requested that charterboat operations be exempt from the new Angler limit for economic reasons.

Response: The ICCAT quota for U.S. vessels is divided into allocations for fishing categories based on gear type, regardless of whether the vessel is a charterboat, commercial vessel or recreational fishing boat. Under the current management regime, NMFS counts all bluefin tuna landed against the appropriate quota.

Comment: Many commenters suggested that a prohibition of the sale of recreationally caught fish would be more effective in managing the Angling category quota and would eliminate any commercial overtones in the fishery. Some proposed that sale be prohibited only for small school fish. One commenter disagreed with the statement in the proposed rule that most of the small Angling category catch is not sold.

Response: NMFS agrees to reconsider no-sale provisions by preparing the required economic impact analyses for subsequent rulemaking. The commenter indicated that he believes many small bluefin tuna are sold; however, these sales are not reflected in the dealer logbook system and hence, would be illegal. Any information concerning sale of bluefin to unlicensed dealers or unreported sales should be brought to the immediate attention of the Offices of Enforcement at 508–281–9261 in the Northeast, and 305–361–4224 in the Southeast.

Comment: One angling association and a state assembly opposed the reduction in the daily angler limit because they calculated that it will result in a catch level lower than that permitted under the ICCAT quota.

Response: NMFS disagrees with the commenters and believes the daily angler limit reduction may not go far enough to prevent early closure of the fishery. This is based on an analysis that assumed the daily angler limit reduction had been implemented in previous years. The results showed that the quota would be attained.

Comment: Two conservation organizations opposed the reduction because they calculated that it will not be effective in bringing the harvest within the quota limit.

Response: NMFS agrees that this measure alone will not be sufficient to keep the harvest within the quota and, therefore, intends to make better use of projections using landings data from previous years to close the fishery. NMFS will consider other measures in a future rulemaking.

Comment: One commenter opposed the proposed rule because he believes it shifts the share of the catch from recreational anglers to commercial fishermen instead of reducing the quota for the category.

Response: NMFS has not changed the quota in any of the fishing categories, so there is no shift in share of catch from anglers to commercial fishermen. The reduction of the daily catch limit is intended to prevent the Angling category from exceeding the existing quota. The proposal to reduce the quota allocated to the Angling category goes beyond the scope of this rulemaking.

Comment: Another commenter asked why the revised regulation increases the Angling category quota.

Response: The commenter is mistaken. The final rule does not alter any quotas in any way.

Comment: Two commenters opposed the daily angler limit reduction because it will increase discards as anglers continue to fish for the best "keeper" of the day.

Response: The existing regulations prohibit anyone from fishing for, catching or possessing Atlantic bluefin tuna in excess of catch limits, except as specified under the tag and release program, so such behavior is illegal. NMFS recognizes that enforcement of this provision is difficult; however, fishermen who continue to fish for bluefin after reaching their daily limit are as likely to do so whether or not the limit is four fish (current), or two fish (revised).

Comment: A charterboat organization opposed the reduced daily angler limit because members believe that estimates of fishing effort in the Angling category are broadly exaggerated and that the data show an inflated fishing effort. They proposed that regulations to protect further giant bluefin would result in more effective conservation.

Response: The calculation of angler harvest is based on the best available data and shows that the Angling category has exceeded its quota each year since 1984. The harvest calculation has been accepted by a technical committee and the Scientific Committee on Research and Statistics of ICCAT. Protecting giant bluefin is also important to bluefin conservation goals and, therefore, giants are also regulated by a quota.

Comment: The majority of commenters opposed the reduction of the daily angler limit to one per angler because they felt it would be too restrictive. Many acknowledged the need to reduce the catch of bluefin in the Angling category and suggested a less drastic reduction of the catch limit to two or three fish per angler per day. Several pointed out that the limit can be reduced to one fish per angler per day in the future if the first step does not produce the desired result.

Response: As explained above under "Background," NMFS has adopted this alternative in the final rule. NMFS has added authorization for the Assistant Administrator for Fisheries (Assistant Administrator) to reduce the daily angler limit to one fish to extend the season if conditions in the fishery warrant.

Comment: Many commenters expressed concern that the proposed rule would not conserve medium fish, which are nearing spawning age. They suggested that a reduction in the allowed catch of mediums is desirable for conservation reasons and would improve quota compliance. A state fisheries agency believed that the overharvest in the Angling category is due to the catch of mediums, rather than the school catch, and that any rule to bring the catch within the quota should address the catch of mediums. Some commenters proposed the combination of a less stringent angler catch limit (two or three per day) with a more stringent limit on mediums (one or two per boat per day) to bring the category within the quota. One commenter requested estimates of how much the proposed rule would increase the catch of mediums and what the short-term effect on the spawning stock would be.

Response: NMFS agrees with the commenter and has revised the final rule to address the impact of the Angling sector on medium fish. The final rule adopts the commenters' alternative and reduces the daily angler limit to two Atlantic bluefin tuna, only one of which may be a medium; it also reduces the daily vessel limit for medium bluefin from four to two mediums for vessels having two or more anglers on board. An explanation of this change is found in "Background" above.

Comment: One commenter requested a revision in the regulation to exclude the captain and crew of charterboats from the calculation of allowed angler catch.

Response: NMFS sees no compelling reason to prevent captains or crew members on charterboats from angling.

Classification

An environmental assessment (EA) was prepared in 1983 to implement the ICCAT recommendations of 1982. The EA concluded that there would be no additional significant environmental impacts resulting from the action that were not addressed in the Environmental Impact Statements published in 1980 and 1982. This rule does not alter the scope or intent of those regulations. Copies of the EA may be obtained (see **ADDRESSES**).

The Assistant Administrator has determined that this rule is not a "major rule" requiring a regulatory impact analysis under E.O. 12291. The action will not have a cumulative effect on the economy of $100 million or more, nor will it result in a major increase in costs to consumers, industries, government agencies, or geographical regions. No significant adverse effects on competition, employment, investment, productivity, innovation, or competitiveness of U.S.-based enterprises are anticipated.

The General Counsel of the Department of Commerce certified to the Small Business Administration that this rule, if adopted, will not have a significant economic impact on a substantial number of small entities. A summary of the reasons for this certification was published at 47 FR 10277 (March 11, 1991). As a result, a regulatory flexibility analysis was not prepared. All of the vessels operating in the Atlantic bluefin tuna fishery are considered small entities. These measures do not reduce the total amount of bluefin tuna allocated for harvest by U.S. fishermen and are not expected to result in under-harvesting of any of the quotas established for bluefin tuna. The reduction of the daily catch allowance of the Angling category should not significantly affect anglers economically because this category is primarily of a recreational nature, it should stabilize or only slightly affect current practices and because smaller sized fish are of comparatively little commercial value. The opportunity to participate in a recreational fishing activity, and the benefits derived from this, are preserved.

This rule does not contain a collection-of-information requirement subject to the Paperwork Reduction Act.

This rule does not contain policies with federalism implications sufficient to warrant preparation of a federalism assessment under E.O. 12612.

List of Subjects in 50 CFR Part 285

Fisheries, Penalties, Reporting and recordkeeping requirements, Treaties.

Dated: March 9, 1992.

Michael F. Tillman,

Acting Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set forth in the preamble, 50 CFR part 285 is amended as follows:

PART 285—ATLANTIC TUNA FISHERIES

1. The authority citation for part 285 continues to read as follows:

Authority: 16 U.S.C. 971 *et seq.*

2. Section 285.24 is amended by revising paragraph (c) to read as follows:

§ 285.24 Catch limits.

* * * * *

(c) Persons angling in the regulatory area may catch and retain no more than two Atlantic bluefin tuna other than giant Atlantic bluefin tuna each day, only one of which may be a medium,

provided that no more than two medium Atlantic bluefin tuna per day may be caught and retained per vessel for vessels having two or more anglers aboard. The Assistant Administrator may adjust the angler catch limit to one school or medium Atlantic bluefin tuna per day based on a review of available information on landing trends, or any other relevant factors, to provide for a longer fishing season. The Assistant Administrator will publish a notice in the **Federal Register** of any adjustment in the daily angler catch limit made under this paragraph. Persons angling in the regulatory area may possess Atlantic bluefin tuna in an amount not to exceed a single day's catch as allowed by the daily catch limit.

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Proposed Rules

Federal Register
Vol. 57, No. 49
Thursday, March 12, 1992

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF THE TREASURY

Office of Thrift Supervision

12 CFR Part 563

[No. 91-500]

RIN 1550-AA41

Savings Association Membership in the Federal Home Loan Bank System

AGENCY: Office of Thrift Supervision, Treasury.

ACTION: Proposed rule.

SUMMARY: The Office of Thrift Supervision ("OTS"), as primary federal regulator of all savings associations, proposed to adopt a rule that requires all savings associations to have and maintain Federal Home Loan Bank ("FHLBank") membership. The proposed is intended to address questions that have arisen regarding the interrelationship between thrift safety and soundness and Federal Home Loan Bank membership.

DATES: Comments must be received on or before May 11, 1992.

ADDRESSES: Please send comment letters to the Director, Information Services Section, Office of Communications, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552. Comment letters will be available for inspection at 1776 G Street, NW., Street Level.

FOR FURTHER INFORMATION CONTACT: Deborah Dakin, Assistant Chief Counsel, (202) 906-6445; Karen Solomon, Deputy Chief Counsel, (202) 906-7240; or Julie L. Williams, Senior Deputy Chief Counsel, (202) 906-6459; Chief Counsel's Office; Robyn Dennis, Senior Program Manager, (202) 906-5751; or John Price, Deputy Assistant Director, (202) 906-5745; Policy; Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552.

SUPPLEMENTARY INFORMATION:

A. Introduction; Description of the Proposal

Since the enactment of the Financial Institutions Reform, Recovery and Enforcement Act, Public Law 101-73, 103 Stat. 183 (Aug. 9, 1989) ("FIRREA"), questions have arisen as to whether savings associations are, or should be, required to be members of the FHLBanks. To date, through the enforcement of insurance agreements of the former Federal Savings and Loan Insurance Corporation ("FSLIC"),[1] the OTS has required all savings associations, including state-chartered associations, to maintain their FHLBank membership.

This proposal would impose a requirement of FHLBank membership for all savings associations by regulation. It would require all savings associations to obtain and maintain FHLBank membership, and would preclude their withdrawal from membership. It would apply equally to federally and state-chartered savings associations and with equal force whether or not the association's insurance agreement contained explicit language conditioning deposit insurance on FHLBank membership.

Set forth below are: A summary of the statutory and regulatory background against which the OTS proposes to make Bank System membership mandatory; a description of the factors that will influence the OTS's decision in this regard; and a solicitation of comment identifying specific issues related to the broader question of what role the Bank System can or should play in assisting thrifts to fulfill their statutory mission of providing housing credit safely and soundly.

B. Statutory Provisions Affecting FHLBank Membership Requirements

Section 5(f) of the House Owners' Loan Act ("HOLA") provides that every Federal savings association "shall become automatically" a member of a FHLBank upon receipt of its charter. Federal associations "shall qualify" for FHLBank membership "in the manner provided in the Federal Home Loan Bank Act with respect to other members." Section 6(e) of the Federal Home Loan Bank Act ("FHLBA") precludes Federal associations from voluntarily withdrawing from FHLBank membership.

No similar statutory requirements apply to state-chartered savings associations. Section 6(h) of the FHLBA provides, however, that an institution that withdraws from FHLBank membership may not be readmitted to membership for 10 years after its withdrawal.[2]

The OTS has the authority to require all savings associations, including state-chartered associations, to belong to a FHLBank. This authority derives from its regulatory and supervisory powers to ensure the safe and sound operation of savings associations.

The former FSLIC required all savings institutions to be FHLBank members in order to obtain deposit insurance. The condition was continuing: the FSLIC's purpose in imposing it was not merely to ensure that an association would qualify for and obtain FHLBank membership, but that the savings association would remain a FHLBank member for as long as it was covered by deposit insurance.[3] The legislative history of FIRREA demonstrates that Congress was aware of this condition of deposit insurance and intended it to survive the enactment of the legislation. The relevant portion of the Conference Report [4] states:

> Institutions insured by the FSLIC are presently required to maintain membership in their Bank as a condition of their FSLIC insurance. Under the Act, the existing obligation of such agreements remain[s] in effect and institutions would continue to be precluded from terminating their Bank membership as long as they were paying

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[1] FIRREA abolished the FSLIC and provided that savings associations were to be insured by the Savings Association Insurance Fund ("SAIF") of the Federal Deposit Insurance Corporation ("FDIC"). See 12 U.S.C.A. 1437 note (West 1989 & Supp. 1990); 12 U.S.C.A. 1814(a)(2).

[2] FHLBank membership is not limited to savings associations. "Any building and loan association, savings and loan association, cooperative bank, homestead association, insurance company, savings bank, or any insured depository institution * * * shall be eligible to become a member of a Federal Home Loan Bank" provided it meets certain statutory requirements. 12 U.S.C.A. 1424(a).

[3] Title IV of the National Housing Act ("NHA"), which was repealed by FIRREA, contemplated that all conditions of deposit insurance would bind the savings association for as long as it was insured. Title IV of the NHA provided that an association's violation of its insurance agreement with the FSLIC was grounds to initiate proceedings to terminate deposit insurance. 12 U.S.C. 1726(b), 1730(b)(1).

[4] Joint Explanatory Statement of the Committee of Conference, H.R. Rep. No. 222, 101st Cong., 1st Sess. 428 (1989).

premiums to the Savings Association Insurance Fund.

The text of FIRREA, at section 401(h), carries forward "all orders, resolutions, determinations, and regulations" of the Bank Board and the FSLIC until they are affirmatively superseded by the appropriate successor agency. 12 U.S.C.A. 1437 note. This language encompasses conditions of deposit insurance imposed by the FSLIC. To date, the condition of FHLBank membership has not been superseded by either the OTS or the FDIC.

The OTS and the FDIC have jointly published a notice providing that the OTS may enforce conditions imposed in connection with the approval of applications for FSLIC insurance of accounts. See Allocation of Regulations and Orders Pursuant to the Financial Institutions Reform, Recovery and Enforcement Act of 1989, 54 FR 41359, 41361 (Oct. 6, 1989). Thus, at its discretion, the OTS may continue to require savings associations to comply with existing conditions of their insurance, including the requirements of FHLBank membership.

Similarly, in exercising its authority to approve a savings association's conversion to a commercial or savings bank with SAIF insurance or to approve the merger of a SAIF-insured savings association with a BIF-insured bank subsidiary of a bank holding company, the OTS has required the resulting entity to continue its participation in the Bank System,[5] in accordance with the requirements of the Federal Housing Finance Board for as long as the resulting entity has SAIF-insured deposits.

The OTS is not statutorily required to enforce FHLBank membership as a condition of insurance, nor is it statutorily bound to require resulting institutions in permissible conversion transactions to continue their participation in the FHLBank System. If it is persuaded that mandatory FHLBank membership does not contribute significantly to safety and soundness, the OTS could lawfully refrain from imposing these requirements.

C. Factors Affecting Mandatory FHLBank Membership

1. Safety and Soundness Issues

The Director of the OTS is the primary federal regulator of all savings associations. See 12 U.S.C. 1813(q)(4). Section 3(a)(1) of the Home Owners' Loan Act ("HOLA") authorizes the Director to "provide for the examination, safe and sound operation, and regulation of savings associations." 12 U.S.C. 1463(a)(1). He "may prescribe such regulations and issue such orders as are necessary" to carry out all laws within his jurisdiction. 12 U.S.C. 1462a(b)(3). He must exercise his statutory powers to "encourage savings associations to provide credit for housing safely and soundly." 12 U.S.C. 1463(a)(3).

This authority provides an independent ground on which the OTS may require all state-chartered savings associations to retain membership in their FHLBanks. Membership in the FHLBanks contributes to the safety and soundness of both the thrift industry as a whole and individual savings associations. It provides savings associations with a potential source of borrowings to use as a tool to manage their interest rate risk effectively and to meet their liquidity requirements.

Savings associations are, in general, subject to significant interest rate risk. They have long operated as specialized financial intermediaries, gathering funds (mostly short-term deposits) and making long-term mortgage loans. This general practice of funding long-term assets with short-term deposits leaves savings associations vulnerable to interest rate volatility. This is true even for institutions that make adjustable rate, long-term loans, because these loans have annual and lifetime rate adjustment limitations on the allowable increases.

Because the FHLBank System makes medium and long-term borrowings available to savings associations, it may serve as an important resource to help them manage their interest rate risk. As the thrift industry adjusts to the new and more stringent Qualified Thrift Lender [6] test, which requires increased investment in housing-related assets, the problem of managing this interest rate risk will become even more acute. Any association that exists from its FHLBank is precluded by law from re-entering the System for a period of ten years. 12 U.S.C. 1426(h). In the prevailing economic environment, it may be imprudent for any association to preclude itself from access to such borrowings.

The FHLBank System can also play a crucial role in assisting associations to manage their short-term liquidity needs. While savings associations that are healthy and that have access to other sources of liquidity may not currently need to rely on advances and borrowings from a FHLBank, they may have nowhere else to turn except to the Bank System or the discount window of the Federal Reserve Bank in times of economic distress. It could therefore be imprudent for a savings association to preclude itself from obtaining help from one of only two emergency sources of liquidity for a ten-year period.

Finally, departures from the FHLBank System could further undermine the safety soundness of the entire thrift industry. Redemption of the capital stock of withdrawing members would diminish the capital of the FHLBanks, having an uncertain effect on the remaining members' capital investment. This, in turn, could reduce the ability of the FHLBanks to provide credit and liquidity to remaining members. As a result, the safety and soundness of remaining members could be adversely affected. Further study to quantify the effects of voluntary membership on the return to equity and the capital level of the system appears to be needed.

2. Consistency With FIRREA's Funding Scheme

Under FIRREA, the FHLBanks are instrumental in funding the resolution of the thrift crisis. The FHLBanks are obligated by FIRREA to purchase the stock of the Resolution Funding Corporation ("REFCORP"), which in turn provides funds to the Resolution Trust Corporation ("RTC") for the resolution of insolvent savings associations. In addition to capitalizing the principal fund of REFCORP, the FHLBanks may also be required to pay $300,000,000 per year toward the interest on REFCORP obligations. FIRREA assigns, on a *pro rata* basis, each FHLBank's contribution to the interest payment on REFCORP bonds. 12 U.S.C. 1441b.

FIRREA also mandates that each FHLBank establish an Affordable Housing Program to subsidize the interest rate on advances to members who provide loans to specified individuals, governmental agencies, or non-profit organizations to purchase, construct, or rehabilitate housing for low- and moderate-income persons. 12 U.S.C. 1430(j)(3). Each FHLBank must contribute annually a prescribed portion of its annual net earnings to support subsidized advances through the Affordable Housing Program. 12 U.S.C. 1430(j)(5). This Program depends on the earnings and profitability of the FHLBanks, which may be adversely

[5] FIRREA specifically excepts these types of transactions from the otherwise applicable moratorium on "conversion transactions," that is, certain transactions involving both a BIF-insured and a SAIF-insured depository institution. See 12 U.S.C. 1815(d)(2), (d)(3).

[6] See 12 U.S.C. 1467a(o); 56 FR 31061 (July 9, 1991) (post-FIRREA Qualified Thrift Lender test; effective July 1, 1991).

affected in the absence of a requirement for FHLBank membership.

Accordingly, OTS finds additional support for its proposal in the FIRREA provisions indicating that savings associations' support of the FHLBanks through their membership is a vital component of the funding of REFCORP and the Affordable Housing Program.

3. Equal Membership Requirements for Federal and State-Chartered Savings Associations

The HOLA provides that every Federal savings association must automatically become a FHLBank member upon receipt of its charter. The Federal Home Loan Bank Act precludes Federal savings associations from voluntarily withdrawing from the FHLBank System. The Director of the OTS is the primary Federal regulator of all savings associations and in that capacity is concerned about any unequal advantages gained exclusively on the basis of charter. Permitting voluntary membership only for state-chartered savings associations could create such an advantage.

D. Solicitation of Comment

The OTS solicits comment on all aspects of today's proposal. The OTS is aware that the proposal raises important issues about the FHLBank System's contribution to the safe and sound operation of the thrift industry and encourages comments that address this larger issue. Because of the importance of this issue, OTS requests commenters to provide a detailed analysis on the effect of this proposal on the level of capital, the returns to capital, and the net income of the FHLBank System. In addition, commenters may wish to focus on the following specific aspects of the issue:

1. Savings association are required to maintain liquid assets in a specified amount in order to meet their statutory liquidity requirement and to operate safely and soundly. The FFHLBank System provides one source of liquidity to thrifts. Could the OTS adequately address liquidity concerns by requiring savings associations wishing to exit the FHLBank System to demonstrate that they will be able to satisfy their liquidity needs—including "emergency" liquidity needs—without resort to a FHLBank? To what extent does savings associations' access to the Federal Reserve System substitute for access to the FHLBank System?

2. Section C, above, describes how the FHLBank System may help thrifts to manage their interest-rate risk. Does the FHLBank System actually perform this function? Are FHLBank rates for medium- and long-term borrowings sufficiently competitive that thrifts rely on FHLBank borrowings for this purpose? Are thrifts instead more likely to manage their interest-rate risk by borrowing or hedging elsewhere? Why?

3. How are the operations of the FHLBanks likely to change in the near term and what impact will that change have on the FHLBank System's relationship to the thrift industry? Will the business of the FHLBanks come more closely to resemble that of the existing government sponsored enterprises like the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation? If so, then in some lines of business the FHLBanks may compete with the thrift industry. They may, for example, be able to access funds more cheaply than thrifts and, with those funds, buy mortgages and issue mortgage-backed securities. If competition develops between the thrift industry and the FHLBanks in certain lines of business, should the thrift industry be required, through a requirement of mandatory membership, to support its competitors?

4. From a policy perspective, is it appropriate to require FHLBank System membership even if dividends on FHLBank stock decline to a rate of return significantly below a savings association's cost of funds?

Executive Order 12291

The Office has determined that this regulation does not constitute a "major rule" and, therefore, does not require the preparation of a final regulatory impact analysis.

Regulatory Flexibility Act

Pursuant to section 605(b) of the Regulatory Flexibility Act, it is certified that this proposal will not have a significant economic impact on a substantial number of smaller entities. Accordingly, a Regulatory Flexibility Act Analysis is not required.

List of Subjects in 12 CFR Part 563

Accounting, Advertising, Crime, Currency, Flood insurance, Investments, Reporting and recordkeeping requirements, Savings associations, Securities, Surety bonds.

Accordingly, the Office of Thrift Supervision proposes to amend part 563, subchapter D, chapter V, title 12, Code of Federal Regulations, as set forth below.

Subchapter D—Regulations Applicable to all Savings Associations

PART 563—[AMENDED]

1. The authority citation for part 563 continues to read as follows:

Authority: Sec. 2, 48 Stat. 128, as amended (12 U.S.C. 1462); sec. 3, as added by sec. 301, 103 Stat. 278 (12 U.S.C. 1462a); sec 4, as added by sec. 301, 103 Stat. 280 (12 U.S.C. 1463); sec. 5, 48 Stat. 132, as amended (12 U.S.C. 1464); sec. 10, as added by sec. 301, 103 Stat. 138 (12 U.S.C. 1467a); sec. 11, as added by sec. 301, 103 Stat. 342 (12 U.S.C. 1468); sec. 18, 64 Stat. 891, as amended by sec. 321, 103 Stat. 267 (12 U.S.C. 1828); sec. 1204, 101 Stat. 662 (12 U.S.C. 3806); sec. 202, 87 Stat. 982, as amended (42 U.S.C. 4106).

2. Section 563.49 is added to read as follows:

§ 563.49 Membership in a Federal Home Loan Bank.

Each savings association shall obtain membership in a Federal Home Loan Bank and subsequently maintain such membership. No savings association may voluntarily withdraw from membership in a Federal Home Loan Bank.

Dated: August 19, 1991.

The Office of Thrift Supervision.

Timothy Ryan.

Director.

Editorial note: This document was received at the Office of the **Federal Register** March 9, 1992.

[FR Doc. 92-5788 Filed 3-11-92; 8:45 am]

BILLING CODE 6720-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 92-NM-08-AD]

Airworthiness Directives; Boeing Model 747 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes the adoption of a new airworthiness directive (AD) that is applicable to Boeing Model 747 Series airplanes equipped with certain emergency escape system packaboards. This proposal would require replacing the plastic pulley guards installed on the emergency escape slide system packboards with metal ones. This proposal is prompted by a recent

emergency evacuation, during which a broken plastic pulley guard caused the release cable to come loose from the pulley before the escape system released from the packboard; this caused the passenger door to jam in the partially open position, preventing the exit door from being used. The actions specified by the proposed AD are intended to prevent jamming of the passenger door, which could delay the egress of passengers in the event of an emergency evacuation.

DATES: Comments must be received by April 27, 1992.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration, Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 92-NM-08-AD, 1601 Lind Avenue SW., Renton, Washington 98055-4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Mr. Jayson Claar, Seattle Aircraft Certification Office, Airframe Branch, ANM-120S, FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington 98055-4056; telephone (206) 227-2784; fax (206) 227-1181.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 92-NM-08-AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 92-NM-08-AD, 1601 Lind Avenue SW., Renton, Washington 98055-4056.

Discussion:

The main deck escape system on certain Boeing Model 747 series airplanes is installed on passenger doors by a packboard and on the floor of the airplane by a girt bar and floor brackets. When the passenger door is opened in the automatic mode to deploy the escape system, cables that are attached to the girt bar and the pulleys on the packboard release mechanism tighten and start to rotate the pulley, which, in turn, starts to release the escape system from the packboard. The cables are retained in the pulley by a plastic pulley guard; the pulley guard prevents the cable from releasing until the escape system has released from the packboard.

During one emergency evacuation, the plastic pulley guard on the packboard release mechanism was broken. This caused the release cable to come loose before the escape system released from the packboard, which caused the passenger door to jam in the partially open position. The operator of the airplane involved in this incident conducted a fleet inspection and detected 55 broken plastic pulley guards on other airplanes. This condition, if not corrected, could cause the main deck passenger door to jam, which could delay the egress of passengers in the event of an emergency evacuation.

Since an unsafe condition has been identified that likely to exist or develop on other Model 747 series airplanes equipped with emergency escape system packboards of this same type design, the proposed AD would require replacing the plastic pulley guards, currently installed on the emergency escape slide system packboards, with metal pulley guards.

There are approximately 200 Boeing Model 747 series airplanes of the affected design in the worldwide fleet. It is estimated that 75 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 100 work hours per airplane to accomplish the proposed actions, and that the average labor rate is $55 per work hour. Required parts would cost approximately $1,000 per airplane. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $487,500.

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption "**ADDRESSES.**"

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend 14 CFR Part 39 of the Federal Aviation Regulations as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for Part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

Boeing: Docket 92-NM-08-AD.

Applicability: Model 747 series airplanes; equipped with escape slides listed in Boeing Service Bulletin 747-25-2131, dated September 17, 1971; or equipped with escape systems installed in accordance with Supplemental Type Certificate SA574GL, SA575GL, SA744GL, SA745GL, or SA1215EA; certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To prevent jamming of an emergency exit door, accomplish the following:

(a) Within 9 months after the effective date of this AD, replace the plastic pulley guards on the emergency slide system packboard release mechanism, Boeing part number (P/N) 69B51507–1 and –2, with metal pulley guards, Boeing P/N 69B54562–1 and –2, in accordance with a method approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate.

(b) An alternative method of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Seattle ACO, FAA, Transport Airplane Directorate. The request shall be forwarded through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Seattle ACO.

(c) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate the airplane to a location where the requirements of this AD can be accomplished.

Issued in Renton, Washington, on February 27, 1992.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 92–5759 Filed 3–11–92; 8:45 am]

BILLING CODE 4910–13–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[PP 1E4001/P538; FRL–4043–4]

RIN 2070–AC18

Exemption from the Requirement of a Tolerance for Gibberellins

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This document proposes an exemption from the requirement of a tolerance for residues of the class of biochemical plant growth regulators known as gibberellins in or on the raw agricultural commodity (RAC) watercress at a rate of less than 20 grams of active ingredient per acre (20 g ai/A) per application when applied to the growing crop. This proposed regulation was requested in a petition submitted by the Interregional Research Project No. 4 (IR-4).

DATES: Comments, identified by the document control number (PP 1E4001/P538), must be received on or before April 13, 1992.

ADDRESSES: By mail, submit written comments to: Public Response and Program Resources Branch, Field Operations Division (H7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring comments to: rm. 1128, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202.

Information submitted as a comment concerning this document may be claimed confidential by marking any part or all of that information as "Confidential Business Information" (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice. All written comments will be available for public inspection in rm. 1128 at the address given above, from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: By mail: Hoyt Jamerson, Emergency Response and Minor Use Section (H-7505C), Registration Division, Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: rm. 716C, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202, 703-305-5310.

SUPPLEMENTARY INFORMATION: The Interregional Research Project No. 4 (IR-4), New Jersey Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, NJ 08903, has submitted pesticide petition 1E4001 to EPA on behalf of the IR-4 and the Agricultural Experiment Station of Florida requesting an exemption from tolerance requirement under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a) for residues of gibberellins (GA_3) in watercress. Gibberellins are exempted from the requirement of a tolerance when used as a plant growth regulator at application rates less than 20 grams of active ingredient per acre (20 g ai/A) in or on a substantial number of raw agricultural commodities (RACs) as stated in the **Federal Register** of November 14, 1990 (55 FR 47475).

The data submitted in the petition and other relevant material have been evaluated. The toxicological data considered include an acute oral toxicity study (rats) with no deaths at 5,050 milligrams per kilogram (mg/kg); an acute dermal toxicity study (rabbit) with no deaths at 2,020 mg/kg; an acute inhalation toxicity study (rat) with no deaths at 3.82 milligrams per liter (mg/L); an acute eye irritation study (rat) showing "minimal effects clearing in less than 24 hours"; a dermal irritation study (rabbits) with a score of "mildly or slightly irritating; and a dermal sensitizer." All other toxicology data requirements, including subchronic and chronic feeding studies, carcinogenicity, reproduction, teratology, and mutagenicity studies are waived due not only to minimum (if any) health risks associated with gibberellins, but to proposed low-volume use pattern. Dietary exposure (residue chemistry) data requirements have also been waived since the rate of application is less than 20 g ai/A/application. In this case, the maximum single application rate is 10 g ai/A. An analytical method (a fluorimetric method with a sensitivity of 0.01 ppm) is available for enforcement purposes in the Pesticide Analytical Manual (PAM), Vol., II.

Gibberellins are naturally occurring plant compounds affecting plant growth. In this instance, gibberellins are produced by batch fermentation using *Gibberella fujikuroi*, a naturally occurring fungal species. Gibberellins are not expected to present an unacceptable hazard to humans, fish, and wildlife, or the environment.

The data submitted in the petition and other relevant material have been evaluated. Based on the above information considered by the Agency the exemption from the requirement of a tolerance established by amending 40 CFR 180.1098 would protect the public health. Therefore, it is proposed that the tolerance exemption be established as set forth below.

Any person who has registered or submitted an application for registration of a pesticide, under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, which contains any of the ingredients listed herein, may request within 30 days after publication of this document in the **Federal Register** that this rulemaking proposal be referred to an Advisory Committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation. Comments must bear a notation indicating the document control number, (PP 1E4001/P538). All written comments filed in response to this petition will be available in the Public Response and Program Resources Branch, at the address given above from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-354, 94 Stat. 1164, 5 U.S.C. 601-612), the

Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the Federal Register of May 4, 1981 (46 FR 24950).

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: February 26, 1992.

Anne E. Lindsay,

Director, Registration Division, Office of Pesticide Programs.

Therefore, it is proposed that 40 CFR part 180 be amended as follows:

PART 180—[AMENDED]

1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 346a and 371.

2. Section 180.1098 is revised to read as follows:

§ 180.1098 Gibberellins (GA_3); exemption from the requirement of a tolerance.

Gibberellins (GA_3) are exempted from the requirement of a tolerance when used as a plant growth regulator at application rates less than 20 grams of active ingredient per acre (20 g ai/A) in or on the following raw agricultural commodities: Barley, beans, beets (sugar), broccoli, brussels sprouts, cabbage, cauliflower, corn (field, sweet, and popcorn), cotton, cucumber, grapefruit, lemons, lettuce, melons, mint (peppermint and spearmint), mustard greens, oats, onions, oranges, peanuts, peppers, potatoes, rice, rye, sorghum (milo), soybeans, spinach, squash, strawberries, sugarcane, tomatoes, turnips, watercress, and wheat.

[FR Doc. 92-5820 Filed 3-11-92; 8:45 am]
BILLING CODE 6560-50-F

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40 CFR Part 180

[PP 1E3948/P536; FRL-4042-5]

RIN 2070-AC18

Pesticide Tolerances for Aluminum Tris (O-Ethylphosphonate)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This document proposes to remove the tolerance established for regionally restricted registration of the fungicide aluminum tris (O-ethylphosphonate) in or on the raw agricultural commodity fresh ginseng root and add it for nonregionally restricted registration. This amendment was requested by the Interregional Research Project No. 4 (IR-4).

DATES: Comments, identified by the document control number (PP 1E3948/P536), must be received on or before April 13, 1992.

ADDRESSES: By mail, submit written comments to: Public Response and Program Resources Branch, Field Operations Division (H7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring comments to: rm. 1128, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202.

Information submitted as a comment concerning this document may be claimed confidential by marking any part or all of that information as "Confidential Business Information" (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice. All written comments will be available for public inspection in rm. 1128 at the address given above, from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: By mail: Hoyt Jamerson, Emergency Response and Minor Use Section (H-7505C), Registration Division, Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: rm. 716C, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, 703-305-5310.

SUPPLEMENTARY INFORMATION: A tolerance under section 408 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a) for residues of the fungicide aluminum tris (O-ethylphosphonate) (also referred to as fosetyl-Al) in or on the raw agricultural commodity fresh ginseng root at 0.1 part per million (ppm) was established in the Federal Register of April 26, 1989 (54 FR 17949). The tolerance was established in support of registration for use of fosetyl-Al on ginseng in Wisconsin based on the geographical representation of the residue data available at the time the tolerance was established.

Additional field residue data for ginseng were submitted by IR-4 from Kentucky. These data show that use of fosetyl-Al in another production area is not likely to result in residues in excess of the established tolerance for ginseng (0.1 ppm). It is, therefore, no longer necessary for the Agency to regionally restrict registration for use of fosetyl-Al on this commodity. To allow geographical expansion of the registration for fosetyl-Al on ginseng, IR-4 proposes amending 40 CFR 180.415 by inserting the raw agricultural commodity "ginseng root, fresh" at 0.1 ppm in paragraph (a) and by deleting the raw agricultural commodity "ginseng root, fresh" at 0.1 ppm in paragraph (b).

The data submitted in the petition and other relevant material have been evaluated. The toxicological data considered in support of the proposed amendment to the tolerance include:

1. A 2-year dog feeding study with a no-observed-effect level (NOEL) of 10,000 ppm (equivalent to 250 milligrams (mg)/kilogram (kg) body weight (bw)/day).

2. A carcinogenicity study in mice fed diets containing 2,500, 10,000, and 20,000/30,000 ppm (highest dose level equivalent to 4,286 mg/kg/day) with no carcinogenic effects observed under the conditions of the study.

3. A 2-year feeding study in rats fed diets containing 2,000, 8,000, and 32,000 ppm monosodium phosphide (metabolite of fosetyl-Al) with a systemic NOEL of 8,000 ppm (equivalent to 400 mg/kg/day) based on reduced mean body weights and reduction of calcium and postassium blood values. There were no carcinogenic effects observed under the conditions of the study.

4. A three-generation reproduction study in rats with a NOEL of 6,000 ppm (equivalent to 300 mg/kg (bw)/day) based on decreased litter and pup weight in both matings of each generation.

5. A teratology study in rabbits with no embryotoxic, fetotoxic, or developmental toxicity at the highest dose tested (500 mg/kg/day).

6. A teratology study in rats with NOEL's for maternal and developmental toxicity of 1,000 mg/kg/day based on significantly reduced litter and fetal weight, a slight increase in malformations and increased skeletal variations.

7. Ames mutagenicity assays, *E. coli* phage induction tests, micronucleus tests in mice, DNA repair tests using *E. coli* and *Saccharomyces cerevisiae* yeast assays that were negative for mutagenic effects.

8. A 2-year feeding/carcinogenicity study in rats with statistically significant elevated incidence of urinary bladder tumors (adenomas and carcinomas combined) in male rats at the highest dose level tested (2,000/1,500 mg/kg/day). In this study, Charles River CD-1 rats were dosed with aluminum tris (O-ethylphosphonate) at levels 0, 100, 400, and 2,000/1,500 mg/kg (bw)/day. The high-dose level was reduced to 1,500 mg/kg/ (bw)/day after 2 weeks. The highest dose level appeared to approximate a maximum tolerated dose based on the finding of urinary tract hyperplasia in male rats at the 2,000/1,500 mg/kg (bw)/day feeding level. Lower body weight in male rats as compared to controls was also observed at the 2,000 mg/kg (bw)/day level during the first 2 weeks of the study. Tumors were mainly observed in surviving males at the time of terminal sacrifice. Additional information regarding the Agency's evaluation of the 2-year rat feeding/carcinogenicity study is provided in detail in final rule documents on aluminum tris(O-ethylphosphonate), published in the **Federal Register** of May 21, 1986 (51 FR 13585) and April 4, 1990 (55 FR 12485).

The Agency has concluded that the available data constitute limited evidence for the carcinogenicity of aluminum tris(O-ethylphosphonate) in male Charles River CD-1 male rats and has classified the pesticide as a Category C carcinogen (possible human carcinogen with limited evidence of carcinogenicity in animals). The Agency has further decided not to develop a quantitative estimation of the carcinogenic potential for aluminum tris (O-ethylphosphonate) for the following reasons:

a. The carcinogenic response observed in the rat chronic feeding/carcinogenicity study was confined solely to high-dose males at one site (urinary bladder) in Charles River CD-1 rats. The tumors were mainly seen in surviving animals at the time of terminal sacrifice. Moreover, the unusually high dose at which carcinogenic effects were observed (2,000/1,500 mg/kg body weight (bw)/day) approached a level in the diet at which the nutritional status of the experimental animal may begin to be compromised.

b. No carcinogenic effects were observed in a carcinogenicity study performed in mice at dose levels up to 4,286 mg/kg (bw) per day.

c. The urinary metabolite of aluminum tris (O-ethylphosphonate) was not carcinogenic when administered in the diet to Charles River CD-1 rats at dose levels up to 32,000 ppm (1,600 mg/kg (bw)/day).

d. No adverse effects on the urinary bladder or the adrenal gland were produced by aluminum tris (O-ethylphosphonate) in a 2-year chronic toxicity study performed in dogs at dose levels up to 40,000 ppm (1,000 mg/kg/(bw)/day).

e. Mutagenic assays for aluminum tris(O-ethylphosphonate) were negative for mutagenic effects.

The reference dose (RfD) is based on the 2-year dog feeding study with a NOEL of 250 mg/kg/day. Using a 100-fold safety factor, and rounding to the largest whole number, the RfD is calculated to be 3.0 mg/kg of body weight (bw)/day. The theoretical maximum residue contribution (TMRC) for the overall U.S. population from established and proposed tolerances is calculated to be 0.001345 mg/kg/day; the current action will not increase the TMRC. Published tolerances utilize less than 1.0 percent of the RfD (.041 percent).

The nature of the residue is adequately understood, and an adequate analytical method, gas-liquid chromatography, is available for enforcement purposes. Because of the long lead time from establishing this tolerance to publication of the enforcement methodology in the Pesticide Analytical Manual (PAM), Vol. II, the analytical methodology is being made available in the interim to anyone interested in pesticide enforcement when requested from: Calvin Furlow, Public Response and Program Resources Branch, Field Operations Division (H7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 1128C, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202, (703)-305-5232.

Based on the above information considered by the Agency, the tolerance established by amending 40 CFR 180.415 would protect the public health. Therefore, it is proposed that the tolerance be established as set forth below.

Any person who has registered or submitted an application for registration of a pesticide, under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, which contains any of the ingredients listed herein, may request within 30 days after publication of this document in the **Federal Register** that this rulemaking proposal be referred to an Advisory Committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation. Comments must bear a notation indicating the document control number, [PP 1E3948/P536]. All written comments filed in response to this petition will be available in the Public Response and Program Resources Branch, at the address given above from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-354, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: February 26, 1992.

Anne E. Lindsay,

Director, Registration Division, Office of Pesticide Programs.

Therefore, it is proposed that 40 CFR part 180 be amended as follows:

PART 180—[AMENDED]

1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 346a and 371.

2. In § 180.415, paragraphs (a) and (b) are amended by revising the tables therein, to read as follows:

§ 180.415 Aluminum tris (O-ethylphosphonate); tolerances for residues.

(a) * * *

Commodity	Parts per million
Caneberries	0.1
Citrus	0.5
Ginseng root, fresh	0.1
Pineapple	0.1
Pineapple fodder	0.1
Pineapple forage	0.1

(b) * * *

Commodity	Parts per million
Asparagus	0.1

[FR Doc. 92-5821 Filed 3-11-92; 8:45 am]
BILLING CODE 6560-50-F

40 CFR Part 180

[PP 1E3978/P539; FRL-4043-5]

RIN 2070-AC18

Pesticide Tolerance for Glyphosate

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This document proposes that a tolerance be established for residues of the herbicide glyphosate in or on the raw agricultural commodity pomegranates. The proposed regulation to establish a maximum permissible level for residues of the herbicide in or on the commodity was requested in a petition submitted by the Interregional Research Project No. 4 (IR-4).

DATES: Comments, identified by the document control number (PP 1E3978/P539), must be received on or before April 13, 1992.

ADDRESSES: By mail, submit written comments to: Public Response and Program Resources Branch, Field Operations Division (H7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring comments to: rm. 1128, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202.

Information submitted as a comment concerning this document may be claimed confidential by marking any part or all of that information as "Confidential Business Information" (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice. All written comments will be available for public inspection in Rm. 1128 at the address given above, from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: By mail: Hoyt Jamerson, Emergency Response and Minor Use Section (H-7505C), Registration Division, Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: rm. 716C, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202, 703-305-5310.

SUPPLEMENTARY INFORMATION: The Interregional Research Project No. 4 (IR-4), New Jersey Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, NJ 08903, has submitted pesticide petition 1E3978 to EPA on behalf of the IR-4 and the Agricultural Experiment Stations of California and Texas.

This petition requested that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(e)), propose the establishment of tolerances for residues of the herbicide (N-(phosphonomethyl) glycine) and its metabolite amino-methylphosphonic acid (AMPA) resulting from the application of the isopropylamine salt of glyphosate in or on the raw agricultural commodities pomegranates and prickly pear cactus (fruit and pad) at 0.2 part per million (ppm). The petition was subsequently amended by IR-4 by withdrawing without prejudice to the future filing of the tolerance proposal for prickly pear cactus.

The data submitted in the petition and other relevant material have been evaluated. The toxicological data considered in support of the proposed tolerance include:

1. A multi-generation reproduction toxicity study in rats with a parental no-observed-effect level (NOEL) of 30 milligrams (mg)/kilogram (kg)/day (highest dose tested) and a NOEL for developmental toxicity of 10 mg/kg/day based on an increased incidence of focal tubular dilation of the kidney of male F_{3b} weanlings (pups) at 30 mg/kg/day.

2. A chronic feeding/carcinogenicity study in rats with a systemic NOEL of 31 mg/kg/day, and no observed carcinogenicity under the conditions of the study at all feeding levels tested (0, 3, 10, and 31 mg/kg/day). Although the rat study meets the requirement for a chronic feeding study, it does not satisfy guideline requirements for a carcinogenicity study. There is no evidence that the highest dose tested (31 mg/kg/day) was a toxic or maximum-tolerated dose (MTD).

3. A chronic feeding study in dogs fed capsules containing 0, 20, 100, and 500 mg/kg/day with a NOEL greater than 500 mg/kg/day. No toxic effects were observed under the conditions of the study.

4. A rat teratology study with NOEL's for maternal and developmental toxicity at 1,000 mg/kg/day. An increase in the number of litters and fetuses with unossified sternebrae and a decrease in fetal body weight was observed at 3,500 mg/kg/day.

5. A rabbit teratology study with a maternal NOEL of 175 mg/kg/day and no developmental toxicity observed at the highest dose tested (350 mg/kg/day).

6. Mutagenicity studies as follows: structural chromosomal aberration assay (cytogenetics in vivo), negative; gene mutation assay (Ames test) with and without metabolic activation, negative; gene mutation assay (mammalian cell) with and without S-9 activation, negative; genotoxicity assays (rec-assay in *Bacillus subtilis*), negative.

7. A 2-year carcinogenicity study in CD-1 mice fed diets containing 1,000, 5,000, and 30,000 ppm (equivalent to 150, 750, and 4,500 mg/kg/day, respectively). In this study, glyphosate produced an equivocal carcinogenic response, possibly causing a slight increase in the incidence of renal tubular adenomas (a benign tumor of the kidney) in male mice at the highest dose tested (30,000 ppm).

Because of the equivocal nature of the carcinogenic response in mice and the lack of an acceptable carcinogenicity study in rats, the Agency referred the issue of carcinogenicity of glyphosate to the Federal Insecticide, Fungicide, and Rodenticide (FIFRA) Science Advisory Panel (SAP) for a Weight-of-the-Evidence recommendation. The SAP concluded that the carcinogenic potential of glyphosate could not be determined from the available information. They recommended that the rat and/or mouse carcinogenicity studies be repeated to clarify the equivocal findings.

A second rat study has been submitted and reviewed by EPA. This study reported a systemic NOEL at 8,000 ppm in rats fed diets containing 0, 2,000, 8,000, 20,000 ppm (equivalent to 0, 100, 400, 1,000 mg/kg/day, respectively) and no carcinogenic effects observed under the conditions of the study.

The Health Effects Division (HED) Carcinogenicity Peer Review Committee (CPRC) evaluated the weight-of-the evidence for glyphosate with particular emphasis on its carcinogenic potential. They concluded that the glyphosate classification should be amended from a "Group D Carcinogen" to a "Group E Carcinogen" (evidence of noncarcinogenicity for humans), based upon adequate studies in two animal species (rat and mouse) which indicate the lack of convincing carcinogenicity evidence. As for the mouse study, CPRC concluded that the renal tubular

neoplasms in high-dose male mice were not compound-related.

The reference dose (RfD), based on the NOEL of 10 mg/kg/day from the rat reproduction study and using an uncertainty factor of 100, is calculated to be 0.1 mg/kg of body weight (bw)/day. The theoretical maximum residue contribution (TMRC) for the overall U.S. population from published and pending uses of glyphosate is estimated at 0.010671 mg/kg/day, which represents 11 percent of the RfD. The proposed use of glyphosate on pomegranates would add less than 0.000001 mg/kg/day, less than 0.01 percent of the RfD.

The nature of the residue is adequately understood, and an adequate analytical method, gas-liquid chromatography, is available for enforcement purposes. An analytical method for enforcing this tolerance has been published in the Pesticide Analytical Manual (PAM), Vol. II. No secondary residues in meat, milk, poultry, or eggs are expected since pomegranates are not considered a livestock feed commodity. There are presently no actions pending against the continued registration of this chemical.

Based on the above information considered by the Agency the tolerance established by amending 40 CFR 180.364 would protect the public health. Therefore, it is proposed that the tolerance be established as set forth below.

Any person who has registered or submitted an application for registration of a pesticide, under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, which contains any of the ingredients listed herein, may request within 30 days after publication of this document in the Federal Register that this rulemaking proposal be referred to an Advisory Committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation. Comments must bear a notation indicating the document control number, [PP 1E3978/P539]. All written comments filed in response to this petition will be available in the Public Response and Program Resources Branch, at the address given above from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-354, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the Federal Register of May 4, 1981 (46 FR 24950).

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: February 26, 1992.

Anne E. Lindsay,

Director, Registration Division, Office of Pesticide Programs.

Therefore, it is proposed that 40 CFR part 180 be amended as follows:

PART 180—[AMENDED]

1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 346a and 371.

2. In § 180.364, by amending paragraph (a) in the table therein by adding and alphabetically inserting the raw agricultural commodity "pomegranates" to read as follows:

§ 180.364 Glyphosate; tolerances for residues.

(a) * * *

Commodity	Parts per million
* * * *	
Pomegranates	0.2
* * * *	

* * * * *

[FR Doc. 92-5822 Filed 3-11-92; 8:45 am]

BILLING CODE 6560-50-F

DEPARTMENT OF DEFENSE

Defense Logistics Agency

48 CFR Parts 5446 and 5452

DLA Acquisition Regulation; Statistical Process Control

AGENCY: Defense Logistics Agency, DOD.

ACTION: Correction to proposed rule and reopening of comment period.

SUMMARY: This document contains corrections to the proposed rule appearing at 56 FR 66008, December 20, 1991. We inadvertently stated that the Paperwork Reduction Act does not apply. This document is to alter that language to apply. In addition, we are reopening the comment period.

DATES: Comments should be submitted to the address shown below on or before April 20, 1992, to be considered in the formulation of a final rule.

ADDRESSES: Interested parties should submit written comments to: Defense Logistics Agency, Directorate of Contracting, Policy Branch (DLA-PPR), ATTN: Ms. Ynette Shelkin, Cameron Station, Alexandria, VA 22304-6100.

FOR FURTHER INFORMATION CONTACT: Ms. Ynette Shelin, Defense Logistics Agency, DLA-PPR (703) 274-6431.

CORRECTION OF PUBLICATION:

On page 66008, column 3, paragraph C, Paperwork Reduction Act, is corrected to read "The Paperwork Reduction Act applies to this proposed rule because it contains information collection and recordkeeping requirements which require the approval of OMB under 44 U.S.C. 3501 et seq. A request for clearance has been submitted to OMB.

By Order of the Director.

Gary C. Tucker,

Colonel, USA, Staff Director, Administration.

[FR Doc. 92-5389 Filed 3-11-92; 8:45 am]

BILLING CODE 3620-01-M

Notices

Federal Register
Vol. 57, No. 49
Thursday, March 12, 1992

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

Committee on Regulation; Public Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given of a meeting of the Committee on Regulation of the Administrative Conference of the United States. The meeting will be held at 9:30 a.m. on Tuesday, March 24, 1992, at the Administrative Conference of the United States, suite 500, 2120 L Street, NW., Washington, DC 20037 (Library, 5th floor).

The committee will meet to continue discussion of a project concerning the coordination of migrant and seasonal farmworker service programs. The Conference's consultants for this study are Professor David A. Martin, University of Virginia School of Law, and Professor Philip L. Martin, University of California at Davis, Department of Agricultural Economics.

For further information concerning this meeting, contact David M. Pritzker, Office of the Chairman, Administrative Conference of the United States, 2120 L Street, NW., suite 500, Washington, DC (Telephone: 202–254–7020).

Attendance at the committee meeting is open to the interested public, but limited to the space available. Persons wishing to attend should notify the Office of the Chairman at least one day in advance. The committee chairman, if he deems it appropriate, may permit members of the public to present oral statements at the meeting. Any member of the public may file a written statement with the committee before, during, or after the meeting. Minutes of the meeting will be available on request.

Dated: March 10, 1992.

Jeffrey S. Lubbers,

Research Director.

[FR Doc. 92–5908 Filed 3–11–92; 8:45 am]

BILLING CODE 6110–01–M

DEPARTMENT OF AGRICULTURE

Forms Under Review by Office of Management and Budget

March 6, 1992.

The Department of Agriculture has submitted to OMB for review the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35) since the last list was published. This list is grouped into new proposals, revisions, extension, or reinstatements. Each entry contains the following information:

(1) Agency proposing the information collection; (2) Title of the information collection; (3) Form number(s), if applicable; (4) How often the information is requested; (5) Who will be required or asked to report; (6) An estimate of the number of responses; (7) An estimate of the total number of hours needed to provide the information; (8) Name and telephone number of the agency contact person.

Questions about the items in the listing should be directed to the agency person named at the end of each entry. Copies of the proposed forms and supporting documents may be obtained from: Department Clearance Officer, USDA, OIRM, room 404–W Admin. Bldg., Washington, DC 20250, (202) 690–2118.

Revision

• Agriculture Stabilization and Conservation Service.

7 CFR part 12, 718, and 1404 Report of Acreage, Highly Erodible Land and Wetland Conservation Certification Requirements, and Assignment of Payments.

AD–1026, 1026B, 1026C, 1026U, 1068, 1069, 1026A Supplement; ASC–578, 492; CCC–21, 36, 37, 251, 252.

On occasion; Annually.

Individuals or households; Farms; Small businesses or organizations; 5,147,538 responses; 1,874,723 hours.

Lavonne Maas (202) 720–8128.

Extension

• Farmers Home Administration.

7 CFR 1940–G, Environmental Program.

Form FmHA 1940–20.

On occasion.

Individuals or households; State or local governments; Farms; Businesses or other for-profit; Non-profit institutions; Small businesses or organizations; 5,380 responses; 57,120 hours.

Jack Holston (202) 720–9736.

• Agriculture Research Service.

Taxonomic Data Input Form—Beetle genus and species ARS 125, ARS 126.

On occasion.

State or local government; 80 responses; 800 hours.

Robert D. Gordon (202) 382–1792.

Larry K. Roberson,

Deputy Departmental Clearance Officer.

[FR Doc. 92–5737 Filed 3–11–92; 8:45 am]

BILLING CODE 3410–01–M

Forest Service

Exemption of Certain Recovery Projects From Administrative Appeals

SUMMARY: Pursuant to 36 CFR 217.4(a)(11), the Regional Forester for the Rocky Mountain Region has determined there is good cause to exempt from administrative appeal timber sales to reduce mountain pine beetle populations and harvest mountain pine beetle infested dead, dying, and green trees in the Bearhouse Project Area on the Black Hills National Forest, Harney Ranger District.

EFFECTIVE DATE: Effective on issuance.

FOR FURTHER INFORMATION CONTACT: John P. Halligan, Appeals and Litigation Coordination, Rocky Mountain Region, USDA Forest Service, 11177 West 8th Avenue, P.O. Box 25127, Lakewood, CO 80225, (303) 236–9430 or Roberta Moltzen, Forest Supervisor, Black Hills National Forest, RR 2, Box 200, Custer, SD 57730, (605) 673–2251.

SUPPLEMENTARY INFORMATION: Large losses of timber volume have already occurred with larger losses predicted if no action is taken. Wood fiber production potential is being and will be reduced if the mountain pine beetle epidemic is allowed to run its course without forest management.

Fuel loadings would also increase as a result of the tree mortality. This would increase the risk of catastrophic fires and the difficulty of fire control.

With full consideration given to environmental values and forest plan

standards and guidelines; specific management objectives for the area are to:

(1) Reduce the susceptibility of the area to mountain pine beetle infestation,

(2) Reduce the population levels of the mountain pine beetle,

(3) Reduce the potential heavy fuel loading,

(4) Maintain wood fiber production capability, and

(5) Increase the amount of vegetable and structural diversity.

Environmental analysis of proposed actions is currently under way. Pursuant to 40 CFR 1501.7, scoping is now in progress. Scoping is being conducted by the Harney District Ranger to determine the issues to be addressed in the environmental analysis.

The Harney Ranger District is expected to complete the environmental analysis and documentation in May 1992. Decisions are expected at the time. The environmental documents will be available for public review at the Harney Ranger District Office, HCR 87, Box 51, Hill City, SD 57745.

Background

Mountain pine beetle populations have greatly increased in size the past three years in the Bearhouse area. The Bear Basin portion of the area (1,700 acres) is estimated to have forty to fifty percent of the trees killed. There are numerous areas twenty to forty acres in size where all trees have been killed.

The Whitehouse portion of the area is currently only lightly infested but insect inventories conducted by Research Station personnel indicate the potential for a large population to emerge during August 1992. Current mortality is approximately five to ten percent of the trees in a 3,200-acre area. However, if the number of trees are not reduced there is the potential to develop the same amount of mortality as described for the Bear Basin area.

The Bearhouse area is located in the south central portion of the Harney Ranger District, approximately 8 miles southwest of Hill City and 10 miles northwest of Custer. The project area is approximately 4,900 acres in size. There are a number of management areas in the project area which emphasize wood fiber production, perpetuation of aspen and birch, livestock grazing on mountain and prairie grasslands, and riparian area management, respectively. The Black Hills Land and Resource Management Plan defines the objectives for these management areas.

Planned Actions

The interdisciplinary team is planning to salvage harvest the merchantable dead and dying trees and harvest surrounding areas to reduce the susceptibility to mountain pine beetle attack. Timber harvesting is expected on approximately 3,200 acres using shelterwood seed cuts, thinnings (commercial and pre-commercial), uneven aged harvesting (group or individual tree selection), and clearcuts. Timber harvest treatments are being coordinated with forest pest specialists and Research Station personnel in Rapid City, South Dakota, and Ft. Collins, Colorado. There would be only limited road construction. Some reconstruction and maintenance of existing roads would occur.

The interdisciplinary team has reviewed the area and concluded that a large portion of the Bear Basin area has been heavily damaged by mountain pine beetle infestations. Further, that the surrounding area is highly susceptible to mountain pine beetle attacks with a high probability of further losses of timber volume and value and wood fiber production. The amount of losses and the expected mountain pine beetle population is currently being estimated.

If salvage and other harvesting is not completed before spring of 1993, the mountain pine beetle population can be expected to continue increasing in size with corresponding losses of timber volume and value and wood fiber production. The beetle population will increase on public as well as adjacent forested private lands. The greatest concern is that trees showing sign of infestation be removed between August of 1992 and August of 1993 before the next mountain pine beetle generation is developed. To accomplish this, environmental analysis and timber sale preparation must be completed during the summer of 1992 so that the resulting timber sales can be sold and harvested prior to August 1993. Therefore, I am exempting those and attendant actions, including road construction and reconstruction, from appeal under provisions of 36 CFR part 217 if, through environmental analysis, it is found these actions are feasible.

The timber sales, including salvage sales, and attendant actions to which this exemption applies will be identified in any documentation as part of the Bearhouse Project.

Dated: March 5, 1992.

Glen E. Hetzel,

Acting Regional Forester.

[FR Doc. 92-5790 Filed 3-11-92; 8:45 am]

BILLING CODE 3410-11-M

Packers and Stockyards Administration

Posting of Stockyards

Pursuant to the authority provided under section 302 of the Packers and Stockyards Act (7 U.S.C. 202), it was ascertained that the livestock markets named below were stockyards as defined by section 302(a). Notice was given to the stockyard owners and to the public as required by section 302(b), by posting notices at the stockyards on the dates specified below, that the stockyards were subject to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 *et seq*).

Facility No., name, and location of stockyard	Date of posting
IA-261—North Iowa Feeder Pigs, St. Ansgar, IA.	Feb. 5, 1992
MO-272—Patton Junction L/S Auction, Inc., Patton, MO.	Jan. 27, 1992

Done at Washington, DC this 6th day of March, 1992.

Harold W. Davis,

Director, Livestock Marketing Division, Packers and Stockyards Administration.

[FR Doc. 92-5736 Filed 3-11-92; 8:45 am]

BILLING CODE 3410-20-M

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting of the South Carolina Advisory Committee

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the South Carolina Advisory Committee to the Commission will convene at 2 p.m. on Wednesday, April 1, 1992, at the County Square, 301 University Ridge, Conference Room A, Greenville, South Carolina, and adjourn at 5 p.m. The purpose of the meeting is to discuss the status of the Commission and the Advisory Committee. In addition, the committee will hold a briefing session to receive information from community leaders on racial tensions in South Carolina (Greenville).

Persons desiring additional information, or planning a presentation to the Committee, should contact South Carolina Chairperson Gilbert Zimmerman (803/525-7538), or Bobby Doctor, Regional Director, Southern Regional Office of the U.S. Commission on Civil Rights at (404/730-2476; TDD 404/730-2481). Hearing impaired persons who will attend the meeting and

require the services of a sign language interpreter should contact the Southern Regional Office at least five (5) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, DC, March 4, 1992.

Carol-Lee Hurley,

Chief, Regional Programs Coordination Unit.

[FR Doc. 92-5791 Filed 3-11-92; 8:45 am]

BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

Agency Forms Under Review by the Office of Management and Budget (OMB)

DOC has submitted to OMB for clearance the following proposals for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: International Trade Administration.

Title: U.S.–Japan Semiconductor Arrangement Data Collection Program.

Form Number: ITA–4115.

OMB Approval Number: None.

Type of Request: Approval of existing collection in use without OMB approval.

Burden: 408 hours.

Number of Respondents: 34.

Avg Hours Per Response: 1 hour.

Needs and Uses: Commerce is required to gather, under the terms of the 1991 U.S.–Japan Semiconductor Arrangement, information on U.S. sales in Japan.

Affected Public: Semiconductor producers.

Frequency: Monthly.

Respondent's Obligation: Voluntary.

OMB Desk Officer: Gary Waxman, (202) 395–7340.

Agency: International Trade Administration.

Title: Format for Petition Requesting Relief Under U.S. Countervailing duty Law.

Form Number: ITA–366P.

OMB Approval Number: 0625–0148.

Type of Request: Extesnion of the expiration date of a currently approved collection.

Burden: 560 hours.

Number of Respondents: 4.

Avg Hours Per Response: 40 hours.

Needs and Uses: The International Trade Administration is required to conduct a countervailing duty (CVD) investigation when an acceptable petition is received from an interested party. The purpose of a CVD investigation is to determine whether a foreign government is providing subsidies to products exported to the United States and whether those subsidized imports are causing injury to a U.S. industry. The petition provides information about the imported product which is allegedly subsidized, a description of the alleged subsidies on the imported merchandise, and the extent to which the domestic industry is being injured by the imported product.

Affected Public: Businesses or other for–profit institutions and small businesses or organizations.

Frequency: On occasion.

Respondent's Obligation: Required to obtain or retain a benefit.

OMB Desk Officer: Gary Waxman, (202) 395–7340.

Agency: Minority Business Development Agency.

Title: Automated Business Enterprise Locator System (ABELS).

Form Number: MBDA 136.

OMB Approval Number: 0640–0002.

Type of Request: Revision of a currently approved collection.

Burden: 2,500 hours.

Number of Respondents: 100.

Avg Hours Per Response: 15 minutes.

Needs and Uses: This form is used to collect information on minority business capabilities for referral to procurement officials interested in extending contract bidding opportunities to minority firms. Respondents are minority owners of business firms capable of and interested in selling goods and servics to government agencies and other businesses.

Affected Public: Businesses or other for–profit institutions and small businesses or organizations.

Frequency: On occasion.

Respondent's Obligation: Voluntary.

OMB Desk Officer: Gary Waxman, (202) 395–7340.

Copies of the above information collection proposals can be obtained by calling or writing DOC Clearance Officer, Edward Michals, (202) 377–3271, Department of Commerce, room 5327, 14th and Constitution Avenue, NW., Washington, DC 20230.0

Written comments and recommendations for the proposed information collections should be sent to Gary Waxman, OMB Desk Officer, room 3208, New Executive Office Building, Washington, DC 20503.

Dated: March 9, 1992.

Edward Michals,

Departmental Forms Clearance Officer, Office of Management and Organization.

[FR Doc 92-5787 Filed 3-11-92; 8:45 am]

BILLING CODE 3510-CW

Bureau of the Census

Census Advisory Committee (CAC) of the American Economic Association (AEA), the CAC of the American Marketing Association (AMA), the CAC of the American Statistical Association (ASA), and the CAC on Population Statistics; Public Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92–463 as amended by Pub, L. 94–409), we are giving notice of a joint meeting followed by separate and jointly held (described below) meetings of the CAC of the AEA, CAC of the AMA, CAC of the ASA, and CAC on Population Statistics. The joint meeting will convene on April 9–10, 1992 at the Bureau of the Census, room 1630, Federal Building 3, Suitland, Maryland.

The CAC of the AEA is composed of nine members appointed by the president of the AEA. It advises the Director, Bureau of the Census, on technical matters, accuracy levels, and conceptual problems concerning economic surveys and censuses; reviews major aspects of the Census Bureau's programs; and advises on the role of analysis within the Census Bureau.

The CAC of the AMA is composed of nine members appointed by the chairman of the board of the AMA. It advises the Director, Bureau of the Census, regarding the statistics that will help in marketing the Nation's products and services and on ways to make the statistics the most useful to users.

The CAC of the ASA is composed of 12 members appointed by the president of the ASA. It advises the Director, Bureau of the Census, on the Census Bureau's programs as a whole and on their various parts; considers priority issues in the planning of censuses and surveys; examines guiding principles; advises on questions of policy and procedures; and responds to Census Bureau requests for opinions concerning its operations.

The CAC on Population Statistics is composed of four members appointed by the Secretary of Commerce and five members appointed by the president of the Population Association of America from the membership of that Association. The CAC on Population Statistics advises the Director, Bureau of the Census, on current programs and on plans for the decennial census of population.

The agenda for the April 9 combined meeting that will begin at 9 a.m. and end at 10:10 a.m. is: (1) Introductory remarks by the Director, Bureau of the Census; (2) 1990 census update; and (3)

Economic and agriculture censuses update.

The agendas for the four committees in their separate and jointly held meetings that will begin at 10:30 a.m. and adjourn at 5:45 p.m. on April 9 are as follows:

The CAC of the AEA: (1) Census Bureau responses to recommendations and activities of special interest to the CAC of the AEA, (2) update on Bureau of Labor Statistics matching activities, (3) 2000 census alternatives (joint with the CAC of the AMA), and (4) standard industrial classification conference and update on activities (joint with the CAC of the AMA).

The CAC of the AMA: (1) Total quality management, (2) Census Bureau responses to recommendations and activities of special interest to the CAC of the AEA, (3) 2000 census alternatives (joint with the CAC of the AEA), and (4) standard industrial classification conference and update on activities (joint with the CAC of the AEA).

The CAC of the ASA: (1) Census Bureau responses to recommendations and activities of special interest to the CAC of the ASA, (2) cognitive research to redesign Survey of Income and Program Participation data collection, and (3) 2000 census alternatives (joint with the CAC on Population Statistics).

The CAC on Population Statistics: (1) Census Bureau responses to recommendations and activities of special interest to the CAC on Population Statistics, (2) postcensal estimates and projections of population, and (3) 2000 census alternatives (joint with the CAC of the ASA).

The agendas for the April 10 meeting that will begin at 9 a.m. and adjourn at 1 p.m. are:

The CAC of the AEA: (1) National Academy of Sciences report on foreign trade statistics, (2) expanded services censuses (joint with the CAC of the AMA), (3) development and discussion of recommendations, and (4) closing session including (a) continued committee and staff discussions, (b) plans and suggested agenda for next meeting, and (c) comments by outside observers.

The CAC of the AMA: (1) 1992 economic censuses promotion, (2) expanded services censuses (joint with the CAC of the AEA), (3) development and discussion of recommendations, and (4) closing session including (a) continued committee and staff discussions, (b) plans and suggested agenda for next meeting, and (c) comments by outside observers.

The CAC of the ASA: (1) Measurement changes in the redesigned Current Population Survey questionnaire (joint with the CAC on Population Statistics), (2) expanded use of administrative sources for monthly and annual surveys in Business Division, (3) development and discussion of recommendations, and (4) closing session including (a) continued committee and staff discussions, (b) plans and suggested agenda for next meeting, and (c) comments by outside observers.

The CAC on Population Statistics: (1) Measurement changes in the redesigned Current Population Survey questionnaire (joint with the CAC of the ASA, (2) measuring housing affordability, (3) development and discussion of recommendations, and (4) closing session including (a) continued committee and staff discussions, (b) plans and suggested agenda for next meeting, and (c) comments by outside observers.

All meetings are open to the public, and a brief period is set aside on April 10 for public comment and questions. Those persons with extensive questions or statements must submit them in writing to the Census Bureau Committee Liaison Officer at least 3 days before the meeting.

Persons wishing additional information regarding these meetings or who wish to submit written statements may contact the Committee Liaison Officer, Mrs. Phyllis Van Tassel, room 2423, Federal Building 3, Suitland, Maryland. (Mailing address: Washington, DC 20233). Telephone: (301) 763–5410.

Dated: March 6, 1992.

Barbara Everitt Bryant,

Director, Bureau of the Census.

[FR Doc. 92–5730 Filed 3–11–92; 8:45 am]

BILLING CODE 3510–07–M

National Institute of Standards and Technology

Meeting of Fastener Quality Act Advisory Committee

AGENCY: National Institute of Standards and Technology, DoC.

ACTION: Notice of advisory committee meeting open to the public.

SUMMARY: The National Institute of Standards and Technology (NIST) will hold a meeting of the Fastener Advisory Committee on March 25 and 26, 1992. The meeting will be for the purpose of providing advice to the Department of Commerce, pursuant to statute, on the implementation of the Fastener Quality Act of 1990 (Public Law 101–592).

DATES: The meeting will be held on March 25, 1992 from 9 a.m. to 5 p.m., and on March 26, 1992 from 8:30 a.m. to 3 p.m., or earlier if so adjourned.

ADDRESSES: The meeting will be held at the National Institute of Standards and Technology, in the Green Auditorium, Gaithersburg, MD 20899.

AGENDA: NIST and the Advisory Committee will discuss recommended changes to draft implementing regulations. The Committee will discuss the report presented at the January meeting by the Cost Effectiveness Working Group on the results of its work in identifying fasteners that are either covered under the Fastener Quality Act or that should be exempted by the Secretary of Commerce under Section 4 authority.

PUBLIC PARTICIPATION: The meeting is open to the public. Attendance shall be on a first-come, first-serve basis in so far as seating is concerned, up to the reasonable and safe capacity of the meeting room. The public may file written statements with the Advisory Committee at any time before or after the meeting. An effort shall be made to set aside a portion of the meeting for public participation. To the extent that the meeting time and agenda permits, interested persons will be allowed to present oral statements or to participate in the discussions.

FOR FURTHER INFORMATION CONTACT: Mr. David E. Edgerly, Deputy Director, Technology Services, National Institute of Standards and Technology, Building 221, room A363, Gaithersburg, MD 20899, Telephone (301) 975–4500.

Dated: March 6, 1992.

Samuel Kramer,

Acting Director.

[FR Doc. 92–5789 Filed 3–11–92; 8:45 am]

BILLING CODE 3510–13–M

National Technical Information Service

Government-Owned Inventions; Availability for Licensing

The inventions listed below are owned by agencies of the U.S. Government and are available for licensing in the U.S. in accordance with 35 U.S.C. 207 to achieve expeditious commercialization of results of federally funded research and development. Foreign patents are filed on selected inventions to extend market coverage for U.S. companies and may also be available for licensing.

Licensing information may be obtained by writing to: National Technical Information Service, Center for Utilization of Federal Technology—

Patent Licensing, U.S. Department of Commerce, P.O. Box 1423, Springfield, Virginia 22151 or by telephoning (703) 487–4732. All patent applications may be purchased, specifying the serial number listed below, by writing NTIS, 5285 Port Royal Road, Springfield, Virginia 22161 or by telephoning the NTIS Sales Desk at (703) 487–4650. Issued patents may be obtained from the Commissioner of Patents, U.S. Patent and Trademark Office, Washington, DC 20231.

Please cite the number and title of inventions of interest.

Douglas J. Campion,

Patent Licensing Specialist, Center for the Utilization of Federal Technology.

Department of Health and Human Services

7–322,266	(U.S. 5,081,584) Computer-Assisted Design of Anti-Peptides Based on the Amino Acid Sequence of a Target Peptide.
7–351,448	(U.S. 5,082,927) Selectively Cytotoxic Fusion Protein.
7–637,074	Treatment of Vascular Injury.
7–648,971	Prokaryotic Expression in Eukaryotic Cells.
7–684,197	Michellamines Useful as Antiviral Agents, Composition and Method of Treatment.
7–707,055	Eukaryotic Expression Vectors with Regulation of RNA Processing.
7–709,029	A New, Reliable Bioassay for Evaluation of Environmental Neurotoxins.
7–751,926	Heat Labile Toxin and Bordetella.
7–759,999	Attenuation of the Opioid Withdrawal Syndrome by Inhibitors of Nitric Oxide Synthase.
7–762,132	cDNA Encoding a Dopamine Transporter and Protein Encoded Thereby.
7–762,531	Miniature Cryosorption Vacuum Pump.
7–767,621	Phosphonoalkyl Phenylalanine Compounds Suitably Protected for Use in Peptide Synthesis.
7–769,623	Adenovirus-Mediated Transfer of Genes to the Lung.
7–771,554	Assay for Retroviral Aspartyl Protease Enzyme.
7–782,054	cDNA Encoding the Cocaine-Sensitive Bovine Dopamine Transporter.
7–782,298	cDNA Clone of a Rat Serotonin Transporter and Protein Encoded Thereby.
7–786,004	Prevention of Drug-Induced Agranulocytosis with Free Radical Scavengers.

Department of Agriculture

7–519,195	(U.S. 5,082,141) Device for Signulating Particles.
7–369,587	(U.S. 5,082,672) Enzymatic Deamidation of Food Proteins for Improved Food Use.
7–603,505	(U.S. 5,072,981) Soil Moisture Tube Extraction Device.
7–622,590	(U.S. 5,082,673) Method of Making Soluble Dietary Fiber Compositions from Cereals.
7–694,534	(U.S. 5,081,788) Wind Oriented Funnel Trap.

[FR Doc. 92–5792 Filed 3–11–92; 8:45 am]

BILLING CODE 3510–04–M

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000–0012]

OMB Clearance Request for Termination Settlement Proposal Forms (Standard Forms 1435–1440)

AGENCY: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice of request for an extension to an existing OMB clearance (9000–0012).

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. chapter 35), the Federal Acquisition Regulation (FAR) Secretariat has submitted to the Office of Management and Budget (OMB) a request to review and approve an extension of a currently approved information collection requirement concerning OMB Control No. 9000–0012, Termination Settlement Proposal Forms (Standard Forms 1435–1440).

DATES: Comments may be submitted on or before May 11, 1992.

ADDRESSES: Send comments to Mr. Peter Weiss, FAR Desk Officer, OMB, room 3235, NEOB, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Beverly Fayson, Office of Federal Acquisition Policy, GSA, (202) 501–4755.

SUPPLEMENTARY INFORMATION:

A. Purpose

The termination settlement proposal forms (Standard Forms 1435–1440) provide a standardized format for listing essential cost and inventory information needed to support the terminated contractor's negotiation position. Submission of the information assures that a contractor will be fairly reimbursed upon settlement of the terminated contract.

B. Annual Reporting Burden

The annual reporting burden is estimated as follows: Respondents, *600*; responses per respondent, *1*; total annual responses, *600*; preparation hours per response, *2.5*; and total response burden hours, *1,500*.

Obtaining Copies of Proposals

Requester may obtain copies of OMB applications or justifications from the General Services Administration, FAR Secretariat (VRS), room 4041, Washington, DC 20405, telephone (202) 501–4755. Please cite OMB Control No. 9000–0012, Termination Settlement Proposal Forms, in all correspondence.

Dated: March 6, 1992.

Laurie A. Frazier,

FAR Secretariat.

[FR Doc. 92–5793 Filed 3–11–92; 8:45 am]

BILLING CODE 6820–JC–M

DEPARTMENT OF EDUCATION

[CFDA No.: 84.051]

National Center or Centers for Research in Vocational Education

ACTION: Notice of intent to invite applications for new awards for fiscal year (FY) 1993.

SUMMARY: The Secretary of Education plans to publish an application notice inviting applications for one or two new awards for FY 1993 under section 404, part A, title IV of the Carl D. Perkins vocational and Applied Technology Education Act of 1990 (the Act) for a National Center or Centers for Research in Vocational Education. A notice of proposed rulemaking for this program was published in the **Federal Register** on October 11, 1991 (56 FR 51511–51514). The Secretary expects to publish the final regulations in late April, 1992. The purpose of this notice of intent is to alert eligible institutions of higher education (IHEs) or consortia of IHEs of the Secretary's plan to publish an application notice at the same time the final regulations for this program are published in order to allow eligible institutions sufficient time to plan for this grant competition. The Secretary will allow 60 days for the receipt of applications from the date that the application notice in published.

FOR FURTHER INFORMATION CONTACT: Jackie Friederich, Education Research Analyst, Program Improvement Branch, Division of national Programs, Office of Vocational and Adult Education, U.S. Department of Education (Mary E. Switzer Building, room 4526), 400

Maryland Avenue, SW, Washington, DC 20202–7120. Telephone: (202) 732–2371. Deaf and hearing impaired individuals may call the Federal Dual Party Relay Service at 1–800–877–8339 (in the Washington DC 202 area Code, telephone 708–9300) between 8 a.m. and 7 p.m., Eastern time.

Dated: March 5, 1992.

Betsy Brand,

Assistant Secretary for Vocational and Adult Education.

[FR Doc. 92–5747 Filed 3–11–92; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. CP88–171–000, et al.]

Tennessee Gas Pipeline Co., et al.; Natural Gas Certificate Filings

March 5, 1992.

Take notice that the following filings have been made with the Commission:

1. Tennessee Gas Pipeline Company

[Docket No. CP88–171–021]

Take notice that on February 26, 1992, Tennessee Gas Pipeline Company (Tennessee), 1010 Milam Street, Houston, Texas 77002, filed a petition pursuant to section 7(c) of the Natural Gas Act to amend its certificate of public convenience and necessity to substitute a single receipt point for the five receipt points currently authorized for Tennessee's firm transportation for Flagg Energy Development Corporation (Flagg Energy), all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Tennessee states that on May 2, 1990, the Commission issued Tennessee a certificate of public convenience and necessity that authorizes Tennessee to, among other things, provide a firm transportation service of 4,140 Dth per day on behalf of Flagg Energy. That certificate established five receipt points for Tennessee's service to Flagg Energy. Tennessee seeks to substitute for those five previously-authorized receipt points a single new receipt point at the Cameron Meadows Plant, Cameron Parish, Louisiana.

Tennessee states that until the amendment is granted, Flagg Energy cannot fully use the firm transportation service and therefore is exposed to the necessity to use No. 2 fuel oil to replace the gas it cannot access. Tennessee states that this change in receipt points would not require the construction of any additional facilities, and that there is no additional cost or environmental impact associated with the requested amendment.

Comment date: April 20, 1992, in accordance with Standard Paragraph G at the end of this notice.

2. United Gas Pipe Line Company

[Docket No. CP92–381–000]

Take notice that on March 2, 1992, United Gas Pipe Line Company (United), P.O. Box 1478, Houston, Texas 77251–1478, filed in Docket No. CP92–381–000 a request pursuant to §§ 157.205 and 157.211(a) of the Commission's Regulations under the Natural Gas Act for authorization to replace a one-inch tap with a two-inch tap located in Scott County, Mississippi, under its blanket certificate issued in Docket No. CP82–430–000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

United requests authorization to replace the existing one-inch tap with a two-inch tap to supply Entex, a local distribution company, with an estimated 269 MMBtu per day of natural gas for resale use to one industrial customer. United further states that it has sufficient capacity to render the proposed service without detriment or disadvantage to its other existing customers.

Comment date: April 20, 1992, in accordance with Standard Paragraph G at the end of this notice.

3. Boston Gas Company

[Docket No. CI92–27–000]

Take notice that on February 28, 1992, Boston Gas Company (Boston) of One Beacon Street, Boston, Massachusetts 02108, a local distribution company, filed an application pursuant to sections 4 and 7 of the Natural Gas Act (NGA) and the Federal Energy Regulatory Commission's (Commission) regulations thereunder for an unlimited-term blanket certificate with pregranted abandonment authorizing sales for resale in interstate commerce of natural gas (1) subject to the jurisdiction of the Commission under the NGA and the NGPA, (2) purchased from producers, importers, marketers, interstate or intrastate pipelines and local distribution companies, and imported or domestic, gaseous or liquefied, from whatever sources, without rate restrictions, all as more fully set forth in the application which is on file with the Commission and open for public inspection.

Comment date: March 24, 1992, in accordance with Standard Paragraph J at the end of this notice.

4. Mississippi River Transmission Corporation

[Docket No. CP92–359–000]

Take notice that on February 21, 1992, Mississippi River Transmission Corporation (MRT), 9900 Clayton Road, St. Louis, Missouri 63124, filed in Docket No. CP92–359–000 an application pursuant to section 7(b) of the Natural Gas Act for an order granting permission and approval to partially abandon firm gas sales service to Laclede Gas Company (Laclede), a local distribution company, all as more fully set forth in the application which is on file with the Commission and is open to public inspection.

MRT proposes to reduce Laclede's maximum daily contract demand, which MRT provides under its Rate Schedule CD–1, from 668,819 MMBtu to 652,660 MMBtu. MRT proposes to implement this reduction through a new Service Agreement with Laclede to be effective April 1, 1992. MRT states that Laclede has requested that MRT make this adjustment to its maximum daily contract demand, to reflect reduced firm sales obligation of Laclede, resulting from Laclede customers permanently purchasing all or some of their natural gas requirements from other sources.

Comment date: March 26, 1992, in accordance with Standard Paragraph F at the end of the notice.

5. Arkla Energy Resources, a division of Arkla, Inc.

[Docket No. CP92–380–000]

Take notice that on March 2, 1992, Arkla Energy Resources, a division of Arkla, Inc. (AER), 525 Milam Street, P.O. Box 21734, Shreveport, Louisiana 77151, filed in Docket No. CP92–380–000 a request pursuant to §§ 157.205, 157.211, and 157.212 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205, 157.211, and 157.212) for authorization to construct and/or operate certain facilities in Louisiana and Arkansas, under its blanket certificate issued in Docket Nos. CP82–384–000 and CP82–384–001, pursuant to section 7(c) of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

AER proposes to construct and/or operate the following facilities:

(1) A new one-inch tap on AER's Line BM–21, Cleburne County, Arkansas for initial

service to the domestic customers of Arkansas Louisiana Gas Company (Arkla), Miner D. Lester and Alvie Trawick, using approximately 170 Mcf annually and 4 Mcf on a peak day, and costing an estimated $1,537;

(2) A new two-inch tap on AER's Line JM–7, Jackson County, Arkansas, for initial service to domestic, commercial and industrial customers from Arkla's new Rural Extension No. 1301, using approximately 83,340 Mcf annually and 3,570 Mcf on a peak day, and costing an estimated $41,400;

(3) An existing two-inch tap on AER's Line BT–11, Johnson County, Arkansas, for initial service to Arkla's domestic customer, Phillip Oberste, using approximately 85 Mcf annually and 1 Mcf on a peak day. It is indicated that this customer would manifold on to the existing tap and new construction would not be necessary;

(4) An upgrade of an existing one-inch tap on AER's Line FT–3, Lincoln Parish, Louisiana, for increased service to domestic and commercial customers from Arkla's Rural Extension No. 1302, using approximately 6,028 Mcf annually and 20 Mcf on a peak day, and costing an estimated $13,720;

(5) An upgrade of an existing one-inch tap on AER's Line AM–153, Clark County, Arkansas, for increased service to domestic, commercial and industrial customers from Arkla's existing Rural Extension No. 307, using approximately 3,700 Mcf annually and 35 Mcf on a peak day, and costing an estimated $15,730.

AER states that the gas would be delivered from its general system supply, which it states is adequate to provide the service.

Comment date: April 20, 1992, in accordance with Standard Paragraph G at the end of this notice.

6. LaSER Marketing Company, et al.

[Docket No. CI85–673–011, *et al.*] [1]

Take notice that each Applicant listed on the Appendix hereto filed an application pursuant to sections 4 and 7 of the Natural Gas Act and the Federal Energy Regulatory Commission's (Commission) regulations thereunder for extension of its blanket limited-term certificate with pregranted abandonment authorizing sales for resale in interstate commerce previously issued by the Commission for a term expiring March 31, 1992, all as more fully set forth in the applications which are on file with the Commission and open for public inspection.

Comment date: March 19, 1992, in accordance with Standard Paragraph J at the end of this notice.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

APPENDIX

Docket No.	Date filed	Applicant
CI85–637–011	2/28/92	LaSER Marketing Company, P.O. Box 3327, Houston, Texas 77253.
CI87–433–005	2/28/92	Texaco Gas Marketing Inc., 1111 Bagby Street, room 2786, Houston, Texas 77002.
CI88–452–004 [2]	3/2/92	ALG Gas Supply Company, *et al.*,[1] c/o Arkansas Louisiana Gas Company, 400 East Capitol Street, Little Rock, Arkansas 72202.
CI91–70–001	2/28/92	North American Resources Company, 40 East Broadway, Butte, Montana 59701.

[1] The *et al.* parties are ALG Gas Supply Company of Arkansas, ALG Gas Supply Company of Kansas, ALG Gas Supply Company of Louisiana, ALG Gas Supply Company of Oklahoma and ALG Gas Supply Company of Texas.

[2] Applicant also requests (1) removal of the rate restrictions on sales for resale of interruptible sales service gas (ISS gas) purchased from affiliated pipelines and (2) amendment of its certificate to include sales for resale of imported natural gas, including liquified natural gas, and non-first seller gas including gas purchased from intrastate pipelines and local distribution companies.

7. TOMCAT

[Docket No. CP92–134–001]

Take notice that on February 28, 1992,[2] TOMCAT, 14811 St. Mary's Lane, suite 200, Houston, Texas 77079, filed an amendment in Docket No. CP92–134–001 to the pending petition for declaratory order and conditional request for a blanket certificate filed in Docket No. CP92–134–000 requesting that the Commission declare that TOMCAT's facilities are gathering facilities exempt from the Commission's Regulations pursuant to section 1(b) of the Natural Gas Act (NGA), all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

TOMCAT states that in the original petition, it requested that the Commission declare that the transportation and delivery of non-NGA gas by TOMCAT to its intrastate pipeline customers be exempt from NGA jurisdiction and, also, that such transportation be provided by TOMCAT was an intrastate pipeline under state authority without the necessity of any Natural Gas Policy Act of 1978 (NGPA) section 311(a)(2) authorization. TOMCAT also requested that, in the event the Commission determined that its future transportation of gas for both interstate and intrastate pipelines could not be performed as an intrastate pipeline, the Commission determine that (1) TOMCAT is a Hinshaw pipeline under section 1(c) of the NGA, (2) to the extent TOMCAT delivers gas to intrastate pipelines, such transportation could be effected under state authority as a Hinshaw pipeline without resort to NGA or NGPA authority and (3) to the extent TOMCAT transports gas for delivery to interstate pipelines, it be issued a blanket certificate pursuant to § 284.224 of the Commission's Regulations to effect this transportation.

TOMCAT states that subsequent to the filing of TOMCAT's original petition, the Commission on February 5, 1992, issued a declaratory order in Blue Dolphin Pipe Line Company, 58 FERC ¶ 61,103 (referred to as Blue Dolphin), where the Commission found that facilities which function in the same manner, and have the same general configuration as those of the integrated TOMCAT system are non-jurisdictional gathering facilities. TOMCAT requests that in lieu of the relief requested in TOMCAT's original petition, the Commission declare that the TOMCAT system and services that it provides are exempt from the Commission's NGA and NGPA jurisdiction pursuant to section 1(b) of the NGA.

TOMCAT states that in Blue Dolphin, the Commission declared that approximately 49.75 miles of 20-inch and 16-inch pipeline qualify as gathering. It is indicated that those facilities consist of 1.75 miles of 20-inch pipeline that interconnect platforms located on the Outer Continental Shelf, extend from one of the platforms for 38.8 miles, through a 20-inch pipeline, to an onshore processing plant, and thereafter continuing beyond the tailgate of the plant for an additional 9.2 miles through a 16-inch pipeline to both an intrastate pipeline and to chemical plants owned by a third party. It is stated that the Commission concluded that Blue Dolphin qualified as a gatherer because its facilities satisfied the "modified primary function" test set fourth in Amerada Hess Corp., et al, 52 FERC ¶ 61,268 (1990), ("Amerada Hess"). It is indicated that under that test the Commission applies five criteria to determine the jurisdictional status of a facility: (1) The diameter and length of a facility; (2) the location of compressors and processing plants; (3) the extension

[2] The amended petition was tendered for filing on February 21, 1992; however, the fee required by § 381.202 of the Commission's Regulations (18 CFR 381.202) was not paid until February 28, 1992. Section 381.103 of the Commission's Rules provides that the filing date is the date on which the fee is paid.

of facilities beyond a central point in the field; (4) the location of wells along all or part of the facility; and (5) the geographic configuration of the system.

It is also stated that the Commission also based its decision in Blue Dolphin on four additional factors: (1) Almost all of the gas brought onshore by Blue Dolphin through its offshore facilities is untreated gas; (2) the 9.2 miles of 16-inch line is Blue Dolphin's only connection to a market; (3) the size and length on the pipeline facilities are simply a function of the size and geographic/geologic characteristics of the field from which gas is produced; and (4) Blue Dolphin is a small company whose other activities are non-jurisdictional and whose primary business is production and gathering. TOMCAT argues that application of these factors to the TOMCAT system demonstrates that it also qualifies as a gatherer exempt from NGA and NGPA jurisdiction.

TOMCAT states that the facilities which together comprise the integrated TOMCAT gathering system consist of four separate lateral line systems of various lengths and diameter owned by third parties which converge at a platform located in Texas state waters in Matagorda Island, State Tract 558 and another segment of line owned by TOMCAT which extends from State Tract 558 across Matagorda Bay for 28.23 miles to an onshore separation plant and thence a short distance to interconnections with three intrastate pipelines and one interstate pipeline in the Magnolia Beach Area, Calhoun County, Texas. It is indicated that three of the systems extend across the federal/state boundary at State Tract 558 and the fourth line, which is not currently in service, is located entirely in state waters. TOMCAT states that, of the three laterals in service, two are owned by Tejas Power Corporation and Transco Offshore Gathering Company, affiliates of TOMCAT and the other is owned by the same two companies and an independent producer.

TOMCAT states that the first system, referred to as the MIAGS System, consists of approximately eleven miles of 6-inch, 8-inch, and 14-inch lines, and operates at pressures of 1,040 to 1,120 psig. It is indicated that the second system, referred to as the "Matagorda Island 604 System", consists of a single 16-inch line approximately eleven miles in length and operates at pressures from 1,080 to 1,160 psig. It is further indicated that the third line, referred to as the "Matagorda Island 672 System", consists of three miles of 8-inch, one mile of 12-inch, and twenty one miles of 16-inch line operating at pressures varying from 1,070 to 1,215 psig. It is also indicated that the line located in state waters, referred to as the" Walter Oil and Gas System", consists of a single three mile segment of 4-inch line, is not currently in service.

TOMCAT argues that the length and configuration of the facilities that comprise the consolidated TOMCAT system are solely a function of the geographic/geologic location of the reserves attached to the consolidated TOMCAT system, and are typical of other systems that have been granted gathering status by the Commission.

TOMCAT also argues that it further meets the modified primary test because neither the laterial line systems nor the 20-inch diameter segment are attached to compression facilities. It is also indicated that gas and liquids are gathered and transported to the onshore plant, where dehydration and separation of the gas occurs onshore near the terminus of the facilities in order to render the gas of pipeline quality.

TOMCAT also states that, with respect to the extension of facilities beyond a central point in the field, the primary purpose of all of its facilities is to gather gas from the offshore domain for delivery to onshore locations where TOMCAT's facilities come onshore and interconnect with intrastate and interstate pipelines.

It is also argued that the configuration of the integrated facilities supports its status as a gatherer. TOMCAT indicates that it does not currently transport gas from wells along the entire length of its system because of the current lack of drilling activity of producers and a reluctance of shippers to use the services of TOMCAT because it is transporting gas pursuant to section 311(a)(2) of the NGPA. It is argued that the configuration of TOMCAT, which is characterized by connections to wells only at the beginning of the system, is solely a function of those reserves that TOMCAT currently is able to reach.

TOMCAT also states that it also satisfies the additional criteria considered by the Commission set forth in Blue Dolphin. It is indicated that TOMCAT makes no sales of gas and has no system supply. It is also argued that, like Blue Dolphin, TOMCAT operates in a competitive environment. Finally, TOMCAT states that the Commission's analysis of the primary business activity of Blue Dolphin further supports TOMCAT's position that it also is a gatherer within the meaning of section 1(b) of the NGA. TOMCAT states that, like Blue Dolphin, the primary focus of each of the owners of the various segments of the integrated TOMCAT system is either to explore for, produce and sell gas, or to provide non-jurisdictional marketing and gathering services, rather than jurisdictional sales or transportation services under either the NGA or the NGPA.

Comment date: March 26, 1992, in accordance with Standard Paragraph F at the end of this notice.

8. United Gas Pipe Line Company

[Docket No. CP92-382-000]

Take notice that on March 2, 1992, United Gas Pipe Line Company (United), P.O. Box 1478, Houston, Texas 77251-1478, filed in Docket No. CP92-382-000 a request pursuant to § 157.205 of the Commission's Regulations to construct a sales tap at a point in Tarrant County, Texas to transport natural gas for Laser Marketing Company (Laser) to be delivered to Bunge Foods, Inc. (Bunge) in Tarrant County, Texas under United's blanket certificate issued in Docket No. CP82-430-000, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

United proposes to construct and operated a four-inch delivery tap, flow computer and related facilities on United's 20-inch Hodge Junction to Texas Electric Service Line in Tarrant County, Texas to transport, on an interruptible basis, for Laser an estimated maximum volume of 2,000 Mcf per day of natural gas to be delivered to Bunge. United states that United is authorized in Docket No. ST92-2340-000 to provide Laser's natural gas requirements pursuant to a transportation agreement dated February 14, 1992, under United's Rate Schedule ITS. United states the proposed tap would not have an impact on United's curtailment plan since interruptible transportation service is being provided pursuant to United's blanket certificate. United states that Bunge would reimburse United for the cost of the facilities which is estimated to be $15,612.

Comment date: April 20, 1992, in accordance with Standard Paragraph G at the end of this notice.

9. Tennessee Gas Pipeline Company

[Docket No. CP92-379-000]

Take notice that on March 2, 1992, Tennessee Gas Pipeline Company (Tennessee), P.O. Box 2511, Houston, Texas 77252, filed in Docket No. CP92-379-000 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon a transportation service for

Transcontinental Gas Pipe Line Corporation (Transco) which was authorized in Docket No. CP78–422, all as more fully set forth in the application on file with the Commission and open to public inspection.

Tennessee proposes to abandon a transportation service rendered for Transco under the provisions of a transportation agreement dated June 2, 1978, as amended October 3, 1979. Tennessee states that the agreement is on file as Tennessee's Rate Schedule T–79. Tennessee states that by orders issued in Docket No. CP78–422 on November 22, 1978 (5 FERC ¶ 61,165) and as amended on January 17, 1980 (10 FERC ¶ 61,056), Tennessee was authorized to receive and deliver certain specified quantities of gas (25,000 Mcf) for and to Transco at certain interconnection points and Transco was authorized to receive and deliver certain specified quantities of gas (51,400 Mcf) for and to Tennessee at specified interconnection points in Texas and Louisiana and/or other mutually agreeable points as specified. Tennessee additionally states that Transco filed a related abandonment application currently pending in Docket No. CP92–348–000. Tennessee advises that Tennessee and Transco have mutually agreed to terminate the agreement since neither party has need for the service as authorized.

Tennessee further states that no facilities would be abandoned as a result of its proposal.

Comment date: March 26, 1992, in accordance with Standard Paragraph F at the end of this notice.

10. Texas Eastern Transmission Corporation

[Docket No. CP92–364–000]

Take notice that on February 25, 1992, Texas Eastern Transmission Corporation, (Texas Eastern), 5400 Westheimer Court, Houston, Texas 77056–5310, filed in Docket No. CP92–364–000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act for authorization to increase deliveries at an existing delivery point to an existing service agreement with Philadelphia Electric Company (PECo) under Texas Eastern's blanket certificate issued on November 5, 1992, in Docket No. CP82–535–000, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Pursuant to § 157.212 of the Commission's Regulations, and amended, Texas Eastern proposes to increase deliveries at an existing delivery point to the individual service agreement covering service to PECo under Rate Schedule FT–1 of Texas Eastern's FERC Gas Tariff, Fifth Revised Volume No. 1.

Texas Eastern states that upon receipt of Commission authorization, Texas Eastern and PECo will execute an individual superseding service agreement providing for the delivery by Applicant to PECo of quantities of natural gas presently certificated under Texas Eastern's Rate Schedule FT–1. The superseding service agreement will establish a Maximum Daily Standby Quantity (MDSQ) for the modified delivery point as follows: 14,076 dekatherms (dth) Standby Service for Rate Schedule FT–1 as related to Rate Schedule CD–1 and 30,000 dth Standby Service for Rate Schedule FT–1 as related to Rate Schedule CD–2. Texas Eastern states that there will be no change in MDSQ at the other existing delivery point in the superseding agreement, nor any increase in the total contract quantities. The natural gas quantities delivered to PECo will be utilized to deliver natural gas quantities to an electric generating station.

Texas Eastern states that the additional delivery to the existing M&R No. 033 will have no effect on Texas Eastern's peak day or annual deliveries. To the extend deliveries are made at M&R No. 033, deliveries may be reduced at the other points of delivery to PECo on a day-to-day operational basis. Therefore, the additional volumes of gas to the service agreement as proposed will not result in any change in the total quantities deliverable under the individual service agreements providing for service to PECo pursuant to Texas Eastern's Rate Schedules CD–1 and CD–2. Texas Eastern submits that its proposal will be accomplished without detriment or disadvantage to Texas Eastern's other customers.

Further, Texas Eastern states that the service it renders to PECo will be performed pursuant to Rate Schedule FT–1 of Texas Eastern's FERC Gas Tariff, Fifth Revised Volume No. 1 and that Texas Eastern's existing tariff does not prohibit the additional volumes.

Comment date: April 20, 1992, in accordance with Standard Paragraph G at the end of this notice.

11. Northern Natural Gas Company

[Docket No. CP92–373–000]

Take notice that on February 27, 1992, Northern Natural Gas Company (Northern), 1111 South 103rd Street, Omaha, Nebraska 68124–1000 filed in Docket No. CP92–373–000, a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to operate and maintain ten existing delivery points and appurtenant facilities for jurisdictional service under Northern's CD–1 Service Agreement and to add one existing jurisdictional delivery point to Northern's CD–1 Service Agreement with Peoples Natural Gas Company, Division of Utilicorp United Inc. (Peoples) under Northern's blanket certificate issued in Docket No. CP82–401–000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Northern states that the existing delivery points were constructed and operated pursuant to section 311 of the Natural Gas Policy Act. Northern further states that on July 10, 1991, in Docket No. CP91–2085–000, Northern was authorized to operate and maintain the Enron Gas Liquids/Plattsmouth delivery point for jurisdictional service. No increase in capacity at these stations is required.

Northern asserts that the volumes to be delivered to Peoples at the various delivery points would be within the currently authorized level of firm entitlements for Peoples as set forth in Northern's currently effective CD–1 Service Agreement.

The facilities are located in Iowa, Minnesota and Iowa, it is stated.

Northern asserts that the proposed activity is not prohibited by its existing tariff and that it has sufficient capacity to accommodate the proposed changes without detriment to Northern's other customers.

Comment date: April 20, 1992, in accordance with Standard Paragraph G at the end of this notice.

12. Williams Natural Gas Company

Docket No. CP92–377–000]

Take notice that on February 28, 1992, Williams Natural Gas Company (WNG), P.O. Box 3288, Tulsa, Oklahoma 74101, filed in Docket No. CP92–377–000 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon a 1,000 horsepower gas supply compressor, which construction and operation was authorized in Docket No. CP75–98, all as more fully set forth in the application on file with the Commission and open to public inspection.

WNG proposes to abandon by reclaim a 1,000 horsepower 3-stage skid-mounted compressor unit at the Webb booster station, located in Grant County, Oklahoma. WNG states that the compressor was constructed in 1975 and

certificated in Docket No. CP75–98 under budget-type authorization. WNG explains that the compressor has been used to compress natural gas subject to a Wil-Mc Corporation (Wil-Mc) contract, which gas was gathered and dehydrated by Wil-Mc for delivery into WNG's Straight-Blackwell 26-inch high pressure pipeline. WNG further explains that, at the present time, there are two wells producing into the Webb booster and one of those is shut in. WNG states that gas from those two wells can be delivered into the pipeline against the 200 psig line pressure. WNG also states that the situation has permitted higher suction pressure at the Webb booster, thereby requiring less horsepower to compress the gas and enabling WNG to retire the 1,000 horsepower unit and install a smaller, more efficient 270 horsepower unit. WNG advises that the 270 horsepower unit is being installed on the existing pad with minimal piping changes, and the 270 horsepower unit would continue to move approximately the same volume of gas as the 1,000 horsepower compressor. WNG further advises that the 270 horsepower replacement compressor would be covered by WNG's blanket authorization issued in Docket No. CP82–479–000.

WNG further states that the cost of abandoning the compressor would be approximately $15,340 and the salvage value would be $120,000.

Comment date: March 26, 1992, in accordance with Standard Paragraph F at the end of this notice.

13. Southern Natural Gas Company

[Docket No. CP92–375–000]

Take notice that on February 28, 1992, Southern Natural Gas Company (Southern), Post Office Box 2563, Birmingham, Alabama 35202–2563, filed in Docket No. CP92–375–000 an application pursuant to section 7(b) of the Natural Gas Act for authorization to abandon an authorized firm sales service to the City of Vicksburg, Mississippi (Vicksburg), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Southern states that Vicksburg's current service agreement with Southern, which provides for a contract demand of 15,000 Mcf per day, expired on December 1, 1991. Southern also states that since that time Southern and Vicksburg have been unable to agree on the terms under which Southern would continue to provide sales service to Vicksburg. It is indicated that since Vicksburg is primarily served by other pipeline suppliers and has taken minimal levels of its gas requirements from Southern, Southern requests authority to abandon the firm sales service provided to Vicksburg under its Rate Schedule OCD–1, effective December 1, 1991. No abandonment of facilities is proposed.

Comment date: March 26, 1992, in accordance with Standard Paragraph F at the end of this notice.

Standard Paragraphs

F. Any person desiring to be heard or make any protest with reference to said filing should on or before the comment date file with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this filing if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for the applicant to appear or be represented at the hearing.

G. Any person or the Commission's staff may, within 45 days after the issuance of the instant notice by the Commission, file pursuant to rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

Standard Paragraph

J. Any person desiring to be heard or make any protest with reference to said filings should on or before the comment date file with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426 a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, .214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party in any proceeding herein must file a petition to intervene in accordance with the Commission's rules.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for the applicant to appear or be represented at the hearing.

Lois D. Cashell,

Secretary.

[FR Doc. 92–5740 Filed 3–11–92; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. JD92–04274T Texas-3 Addition 10]

State of Texas; NGPA Notice of Determination by Jurisdictional Agency Designating Tight Formation

March 5, 1992.

Take notice that on March 2, 1992, the Railroad Commission of Texas (Texas) submitted the above-referenced notice of determination pursuant to § 271.703(c)(3) of the Commission's regulations, that portions of the Cisco-Canyon Sandstone Formation in Sterling County, Texas, qualify as a tight formation under section 107(b) of the Natural Gas Policy Act of 1978 (NGPA). The area of application consists of 34,004 acres as described in the attached appendix.

The notice of determination also contains Texas' findings that the referenced portions of the Cisco-Canyon Sandstone Formation meet the requirements of the Commission's regulations set forth in 18 CFR part 271.

The application for determination is available for inspection, except for material which is confidential under 18 CFR 275.206, at the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426. Persons objecting to the determination may file a protest, in accordance with 18 CFR 275.203 and 275.204, within 20 days after the date this notice is issued by the Commission.

Lois D. Cashell,

Secretary.

Appendix

Area I

All of Sections 15 through 18 of Block T, T&P RR Co. Survey; all of Section 6 of the J.B. Hiler Survey, A–724; a 316.80 acre tract in the easternmost portion of Section 7, J.B. Hiler Survey, A–88; all of Sections 7, 13 through 22, and 27 through 33 of Block 13, S&P RR Co. Survey; all of Sections 1, 5 through 8, 10 through 12, and 14 through 17 of Block 21, H&TC RR Co.; all of Section 2 of C&M RR Co. Survey, A–1090; all of Section 1 of the F.M. Askey Survey, A–1245; and the west 148 acre tract in the J. Spence Survey, A–349.

Area II

All of Section 3 of the J.G. Soulard Survey, A–353; the west 473 acres in Section 2, J.G. Soulard Survey, A–351; all of Sections 2 through 10, and 16 through 18 of Block 22, H&TC RR Co. Survey; and all of Section 20, Block 31 of the T&P RR Co. Survey.

[FR Doc. 92–5750 Filed 3–11–92; 8:45 am]

BILLING CODE 6712–01–M

[Docket No. CP92–378–000]

Transcontinental Gas Pipe Line Corp.; Application of Transcontinental Gas Pipe Line Corporation for Order Issuing Certificate of Public Convenience and Necessity and Order Amending Certificate of Public Convenience and Necessity

March 3, 1992.

Please take notice that on March 2, 1992, pursuant to section 7(c) of the Natural Gas Act, and § 157.7(a) of the Regulations of the Federal Energy Regulatory Commission (Commission), 18 CFR 157.7(a), Transcontinental Gas Pipe Line Corporation (Transco) requested that the Commission grant Transco authority to implement an interrelated set of regulatory programs which Transco states are designed to foster procompetitive rates and market-based transactions on the Transco system. Transco states that the initiatives proposed in the application are integral to establishing the open access policy goals of the Commission advanced in its "Mega-NOPR" proceeding in Docket No. RM91–11–000.

Specifically, Transco requests a certificate (or, if necessary, certificates) of public convenience and necessity to allow Transco to establish (1) an incentive ratemaking regime on the Transco system; (2) a deregulated secondary market capacity assignment program for market area FT capacity holders on the Transco system, and (3) a capacity release program on the Transco system under which Transco could participate in the Secondary firm capacity market by negotiating with such FT capacity holders for the purchase of firm capacity and the resale of such capacity at unregulated rates under a proposed Negotiated Transportation Services (NTS) Rate Schedule.[1]

To summarize its application, Transco states that under the incentive ratemaking regime, called "yardstick competition," Transco's rates (except for its gas costs) would be directly tied to industry average cost levels and would be adjusted annually pursuant to annual changes in industry average cost levels. Therefore Transco's level of profit would be directly tied to its ability to establish and maintain its costs at levels at or below industry average cost levels. Under the capacity assignment program, Transco requests authority to allow the holders of firm market area transportation capacity rights under Transco's Rate Schedule FT to sell, trade or reassign their rights to each other or to third parties in an unregulated secondary market. Under the capacity release program, the holders of firm market area transportation capacity rights under Transco's Rate Schedule FT may negotiate with Transco to sell their firm capacity to Transco, for resale by Transco under the NTS Rate Schedule. Under Rate Schedule NTS, Transco could (1) remarket firm capacity purchased under the capacity release program on a firm or interruptible basis at rates above or below the regulated rates, (2) negotiate with willing purchasers for interruptible transportation services at rates above or below the regulated IT rate, and (3) renegotiate with current FT capacity holders the rates that such capacity holders otherwise pay under Transco's Rate Schedule FT.

[1] Transco recognizes that it may be appropriate to authorize the capacity assignment program and the capacity release program and accompanying NTS Rate Schedule by amendment of the blanket certificate of public convenience and necessity previously issued to Transco pursuant to subpart G of part 284 of the Commission's Regulations. *Transcontinental Gas Pipe Line Corporation*, 43 FERC ¶ 61,196 (1988).

Any person desiring to be heard or to make protest with reference to said application should on or before March 19, 1992, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity.

If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Transco to appear or be represented at the hearing.

Lois D. Cashell,

Secretary.

[FR Doc. 92–5751 Filed 3–11–92; 8:45 am]

BILLING CODE 6717–01–M

Western Area Power Administration

Floodplain/Wetlands Involvement for the Casper Area Transmission Line Modifications Project, Natrona and Carbon Counties, WY

AGENCY: Western Power Administration, DOE.

ACTION: Floodplain/Wetlands Involvement and Opportunity to Comment.

SUMMARY: The Department of Energy, Western Area Power Administration (Western), is proposing to remove and replace portions of existing transmission

lines and an abandoned phone line near Casper in Natrona and Carbon Counties, Wyoming. Because the transmission lines and phone line cross or lie near the 100-year floodplain of the North Platte River, Western will prepare a Floodplain/Wetlands Assessment.

DATES: Public comments or suggestions concerning the floodplain involvement of Western's proposed actions are invited. Comments are due no later than April 1, 1992.

ADDRESSES: Comments or suggestions should be sent to: Mr. Stephen A. Fausett, Area Manager, Loveland Area Office, Western Area Power Administration, P.O. Box 3700, Loveland, CO 80539, (303) 490–7200.

FOR FURTHER INFORMATION CONTACT: Rodney D. Jones, Environmental Specialist, Loveland Area Office, Western Area Power Administration, P.O. Box 3700, Loveland, CO 80539, (303) 490–7371.

SUPPLEMENTARY INFORMATION: Pursuant to DOE'S "Compliance with Floodplain/ Wetlands Environmental Review Requirements," 10 CFR Part 1022, Western has determined that this proposed project may involve activities within a floodplain area. Western will prepare a floodplain/wetlands assessment in accordance with Executive Order 11988—Floodplain Management, and Executive Order 11990—Protection of Wetlands. The assessment will address the proposed activity at North Platte River crossings and other major stream or floodplain crossings.

The existing transmission lines and phone line were constructed by the Bureau of Reclamation in the late 1030's. Many of the transmission lines were constructed to link the Seminoe, Kortes, and Alcova powerplants with the 115-kV and 69-kV transmission line systems serving Casper, Wyoming and surrounding areas. Currently the powerplants are linked to the power grid through a system of upgraded transmission lines built by Western in the late 1970's and early 1980's. These projects included the Thermopolis-Alcova-Casper Project, the Casper-Dave Johnston Project, and the Miracle Mile Project. Western is now proposing to remove abandoned and obsolete segments of this system including approximately 48 miles of transmission lines supported by wood pole H-frame structures.

Based on U.S. Geological Survey topographic maps and Federal Emergency Management Agency (FEMA) maps, the existing transmission lines and phone line lie on the apparent boundary of the 100-year floodplain of the North Platte River. Field investigations indicate the transmission lines and phone line span most floodplain areas; however, approximately 56 transmission line structures are located in the floodplain. All transmission line and phone line removal activities would be confined to the existing right-of-way and access roads. Once the lines are removed, Western would abandon the right-of-way easement.

Issued at Golden, Colorado, March 2, 1992.

William H. Clagett,

Administrator.

[FR Doc. 92–5832 Filed 3–11–92; 8:45 am]

BILLING CODE 6450–01–M

Floodplain/Wetlands Involvement for the Lingle Substation, Goshen County, Wyoming

AGENCY: Western Power Administration, DOE.

ACTION: Floodplain/Wetlands involvement and opportunity to comment.

SUMMARY: The Department of Energy, Western Area Power Administration (Western), is proposing to repair and replace concrete structures at its existing Lingle Substation in Goshen County, Wyoming. Western is also planning to provide oil spill containment at the substation. All construction activities would be within the existing substation boundaries. Pursuant to DOE's "Compliance with Floodplain/ Wetlands Environmental Review Requirements," 10 CFR Part 1022, Western has determined that this proposed project would involve activities within a floodplain area. Western will prepare a floodplain/ wetlands assessment in accordance with Executive Order 11988-Floodplain Management, and Executive Order 11990-Protection of Wetlands. The assessment will address the proposed construction at the site.

DATES: Public comments or suggestions concerning the floodplain involvement of Wester's proposed actions are invited. Comments are due no later than April 1, 1992.

ADDRESSES: Comments or suggestions should be sent to: Mr. Stephen A. Fausett, Area Manager. Loveland Area Office, Western Area Power Administration, P.O. Box 3700, Loveland, CO 80539, (303) 490–7200.

FOR FURTHER INFORMATION CONTACT: Mr. Rodney D. Jones, Environmental Specialist, Loveland Area Office P.O. Box 3700, Loveland, CO 80539, (303) 490–7371.

SUPPLEMENTARY INFORMATION: The Lingle Substation was constructed in 1933 to connect the Lingle Powerplant with the 34.5–kV transmission line system. The powerplant was abandoned in 1957. Currently, the substation transforms power for the cities of Fort Laramie, Lingle, and Torrington, Wyoming. Western is planning on replacing or repairing concrete structures and removing excess concrete from the site. An oil spill containment structure (tank) will be installed within the fenced boundaries of the substation. Based on U.S. Geological Survey topographic maps and Federal Emergency Management Agency (FEMA) maps, the existing substation lies near the 100-year floodplain of the North Platte River. Field investigations indicate the substation is located on a small bluff at an elevation of 4,164 feet, about 14 feet above the 100-year flood elevation.

Issued at Golden, Colorado, March 2, 1992.

Williams H. Clagett,

Administrator.

[FR Doc. 92–5831 Filed 3–11–92; 8:45 am]

BILLING CODE 6450–01–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL 4114–5]

Agency Information Collection Activities Under OMB Review

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this notice announces that the Information Collection Request (ICR) abstracted below has been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICR describes the nature of the information collection and its expected cost and burden.

DATES: Comments must be submitted on or before April 13, 1992.

FOR FURTHER INFORMATION CONTACT: Sandy Farmer at EPA, (202) 260–2740.

SUPPLEMENTARY INFORMATION:

Office of Water

Title: Low-Cost, Small System Technology Data Collection (ICR # 1612.01.)

Abstract: Under the Safe Drinking Water Act, EPA must regulate contaminants in drinking water and identify those water treatment methods which are the most effective in achieving maximum contaminant limits

Water systems must submit their plans for water treatment technologies to the States for review and approval. The State engineers who conduct this review need information on new, low-cost water treatment technologies, especially for smaller water systems. The present data collection is designed to assemble such information for their use in apprising the systems of newly available technology.

To bring together the relevant data, EPA will contact State drinking water administrators as well as manufacturers and distributors of low-cost treatment technologies, and will place calls for information in several trade publications. Respondent participation will be voluntary, and will consist of completion of a four-page form.

The form, known as the "National Drinking Water Clearinghouse Questionnaire," will solicit information identifying public water systems using low-cost technologies, and will request financial as well as technical information on system design and performance in improving water quality.

Data assembled in this collection will be centralized in a clearinghouse, which will support direct communication with State engineers, industry personnel, utility managers and EPA regulators.

When the State personnel gain ready access to information on new technology, they will be able to make suggestions to operators of small water systems, who otherwise may have little knowledge about current water treatment technology.

Burden Statement: The average burden imposed by the Low-Cost, Small System Data Collection is 2.5 hours per response. This total includes time for reviewing instructions, searching existing data sources, gathering the data needed, and completing and reviewing the collection of information.

Respondents: State drinking water administrators, manufacturers and distributors of water treatment technologies.

Estimated No. of Respondents: 1006.

Estimated Total Annual Burden on Respondents: 10,180 hours.

Frequency of Collection: One-time.

Send comments regarding the burden estimate, or any other aspect of this collection of information, including suggestions for reducing the burden, to:

Sandy Farmer, U.S. Environmental Protection Agency, Information Policy Branch (PM–223Y), 401 M Street, SW., Washington, DC 20460,
and
Matt Mitchell, Office of Management and Budget, Office of Information and Regulatory Affairs, 725 17th St., NW., Washington, DC 20503.

Dated: March 6, 1992.

Paul Lapsley,

Director, Regulatory Management Division.

[FR Doc. 92–5825 Filed 3–11–92; 8:45 am]

BILLING CODE 6560–50–M

[FRL–4110–6]

Intent To Grant BP Chemicals, Inc., an Exemption From the Land Disposal Restrictions of the Hazardous and Solid Waste Amendments of 1984 (HSWA) Regarding Injection of Hazardous Waste

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of intent to grant an exemption.

SUMMARY: The United States Environmental Protection Agency (USEPA or Agency) today is proposing to grant an exemption from the ban on disposal of hazardous wastes through injection wells to BP Chemicals, Inc. (BPCI) of Lima, Ohio. BPCI, therefore, may continue to inject Resource Conservation and Recovery Act (RCRA) regulated hazardous wastes, codes K011, K013, K014, F039, and various D, U, and P listed materials through Waste Disposal Wells (WDWs) No. 1, 2, 3, and 4 (if WDW No. 4 is permitted by the Ohio Environmental Protection Agency [Ohio EPA]) if the exemption is granted. BPCI submitted a petition to the USEPA under 40 CFR part 148, which allows any person to petition the Administrator to determine whether its continued injection of hazardous wastes is protective of human health and the environment. After the comprehensive review of all material submitted, the USEPA has determined that there is a reasonable degree of certainty that BPCI's injected wastes will not migrate out of the injection zone within the next 10,000 years.

DATES: The USEPA requests public comments on today's proposed decision. Comments will be accepted until April 8, 1992. Comments post-marked after the close of the comment period will be stamped "Late". A public hearing to allow comment on this proposed action will be scheduled and notice of this hearing will be given in a local paper and to all people on a mailing list developed by the Ohio EPA. If you wish to be notified of the date and location of the public hearing please contact the person listed below.

ADDRESSES: Submit written comments, by mail, to: United States Environmental Protection Agency, Region 5, Underground Injection Control Section (5WD–17J), 77 West Jackson Street, Chicago, Illinois 60604, Attn: Richard J. Zdanowicz, Chief.

FOR FURTHER INFORMATION CONTACT: Harlan Gerrish, Lead Petition Reviewer, UIC Section, Water Division, Office Telephone Number: (312) 886–2939, 17th floor Metcalfe Building, 77 West Jackson Street, Chicago, Illinois.

SUPPLEMENTARY INFORMATION:

I. Background

Authority

The Hazardous and Solid Waste Amendments of 1984 (HSWA), enacted on November 8, 1984, impose substantial new responsibilities on those who handle hazardous waste. The amendments prohibit the land disposal of untreated hazardous waste beyond specified dates, unless the Administrator determines that the prohibition is not required in order to protect human health and the environment for as long as the waste remains hazardous (RCRA section 3004 (d)(1), (e)(1), (f)(2), (g)(5)). The state specifically defined land disposal to include any placement of hazardous waste in an injection well (RCRA section 3004(k)). After the effective date of prohibition, hazardous waste can only be injected under two circumstances:

(1) When the waste has been treated in accordance with the requirements of 40 CFR part 268 pursuant to section 3004(m) of RCRA, (the USEPA has adopted the same treatment standards for injected wastes in 40 CFR part 184, subpart B); or

(2) When the owner/operator has demonstrated that there will be no migration of hazardous constituents from the injection zone for as long as the waste remains hazardous. Applicants seeking an exemption from the ban must demonstrate either:

(a) That the waste undergoes a chemical transformation so as to no longer pose a threat to human health and the environment; or

(b) By use of mathematical models (40 CFR 148.20(a)), that fluid flow is such that injected fluids would not migrate vertically upward out of the injection zone to a point of discharge in a period of 10,000 years.

The USEPA promulgated final regulations on July 26, 1988, (53 FR 28118) which govern the submission of petitions for exemption from the disposal prohibition (40 CFR part 148). A time frame of 10,000 years was specified for the demonstration, not because migration after that time is of no concern, but because a demonstration which can meet a 10,000-year time frame

will likely provide containment for a substantially longer time period, and also to allow time for geochemical transformations which would render the waste immobile. The Agency's standard thus does not imply that leakage will occur at some time after 10,000 years; rather, it is showing that leakage will not occur within that time frame.

B. Facility Operation and Process

The BPCI facility in Lima, Ohio produces acrylonitrile and associated products. The process combines propylene, ammonia, and air in the presence of a catalyst to form acrylonitrile, water, acetonitrile, and hydrogen cyanide. Process waste water which cannot be recycled normally exits the process as bottoms from the wastewater stripper columns (K011) and bottoms from the recovery stripper (K013). Process waste water from the purification of acetonitrile is removed at the kill kettle and batch still. This waste has been reported by BPCI as hazardous waste K014, bottoms from acetonitrile purification columns although it is not, genetically, bottoms from purification columns.

Five waste streams from three process units are commingled, treated, and injected. Treatment consists principally of the removal of particles. Waste water from the catalyst unit can have pH>2 (D002), and can contain chromium concentrations exceeding the Toxicity Characteristic (TC) limit (D007) at the point of generation.

The waste stream is currently injected into WDWs No. 1, 2, and 3, which are Class I Hazardous Waste injection wells completed in one or more of the Middle Run, Mt. Simon and Eau Claire Formations. Following proposed recompletion of the wells, all waste will be injected into the Mt. Simon Formation. In addition, an application has been made for a permit-to-operate for a well drilled to collect geological data for the no-migration demonstration. If this well is permitted as WDW No. 4, it will add additional injection capacity. This capacity will not be used to increase the volume of waste injected. Rather, it will allow injection at lower pressure. Injection of wastewater averages 435 gallons per minute (gpm); recently, BPCI has disposed of 150 to 250 million gallons per year.

C. Waste Minimization

BPCI has emphasized waste minimization through source reduction and recycling as a strategy for managing liquid waste. Through recycling and improvements in efficiency, BPCI has decreased the amount of waste water generated per unit of product by 33% since deep-well injection began in 1968. Hydrogen cyanide is now sold as a by-product and only non-recoverable amounts are disposed as waste. BPCI has developed an improved catalyst which is now being tested. It is expected to allow additional production with a further reduction in waste generation. The company will continue to assess waste minimization and identify and implement cost effective approaches to reduce the volume and toxicity of the waste generated.

D. Submission

On August 9, 1988, BPCI submitted a petition for exemption from the land disposal restrictions on hazardous waste injection under the HSWA Amendments of RCRA (40 CFR part 148). This submission was reviewed for completeness and, in response to Agency comments, revised documents were received on November 17, 1989, and January 29, 1990. In January of 1991, BPCI determined that additional information was needed to support the demonstration of no migration from the injection zone and that a test well would be drilled. On November 19, 1991, a complete submission incorporating data gathered through drilling and testing this well by itself and in concert with the existing wells was received. Several supplemental submissions were made thereafter for confirmation and clarification. The total submission was reviewed by staff at the USEPA, the Ohio EPA, the Ohio Division of Geological Survey, and by consultants hired by the Agency to assist in the determination.

II. Basis for Determination

A. Waste Description and Analysis (Section 148.22)

The wastes to be injected are principally process waste waters defined under 40 CFR Part 261 as bottom stream from the wastewater stripper, (K011), bottom stream from the acetonitrile column (K013), and bottoms from the acetonitrile purification column (K014), all in the production of acrylonitrile. At the point of generation, one waste stream is sometimes hazardous due to corrosivity, D002, and chromium content, D007. The waste stream sometimes contains de minimus amounts of ammonia blowdown, scrubber water, slopwater, contaminated stormwater, pump seal water, water from the loading/unloading sump, contaminated groundwater (F039), equipment washwater, solutions that are compatible with the waste stream, contaminated product, and laboratory wastes. In addition with K011, K013, and K014, the hazardous materials which may be deep-well disposed and for which this decision is proposed include:

Ignitability	D001
Corrosivity	D002
Cyanides	D003
Arsenic	D004
Barium	D005
Cadmium	D006
Total chromium	D007
Lead	D008
Mercury	D009
Selenium	D010
Silver	D011
Benzene	D018
Carbon tetrachloride	D019
Pyridine	D038
Multi-Source leachate	F039
Acrolein	P003
Allyl alcohol	P005
Hydrogen cyanide	P063
Potassium cyanide	P098
Sodium cyanide	P106
Acetaldehyde	U001
Acetone	U002
Acetonitrile	U003
Acrylic acid	U008
Acrylonitrile	U009
Benzene	U109
Chloroform	U044
Crotonaldehyde	U053
Cyclohexane	U057
Methylene chloride	U080
Ethyl acetate	U112
Formaldehyde	U122
Formic Acid	U123
Furan	U124
Furfural	U125
Lindane	U129
Isobutyl alcohol	U140
Maleic anhydride	U147
Mercury	U151
Methacrylonitrile	U152
Methanol	U154
Methyl ethyl ketone	U159
Methyl isobutyl ketone	U161
Nitrobenzene	U169
Phenol	U188
Pyridine	U196
Carbon tetrachloride	U211
Tetrohydrofuran	U213
Toluene	U220
Xylene	U239

These constituents are incidental to the normal wastestream composition and do not affect the physical characteristics of the injectate. Because of their low concentrations and infrequent appearance in the waste stream, they do not affect the waste plume extent.

B. Well Construction and Operation (Section 148.22)

The construction of the BPCI wells consists of at least two strings of casing for each well; the casing is cemented to the surface to preclude potential avenues of the injected fluid to escape the injection zone (see Figure 1)

Injection takes place through a tubing set on a packer and isolated from the casing by a fluid-filled annulus which is continuously monitored for pressure change. The monitoring system is designed to trigger alarms and shut off injection if the injection pressure exceeds the maximum permitted levels, or if the difference between the injection and annulus pressures falls below the minimum permitted level.

During review of early results of testing performed to gather information for the no-migration demonstration, an anomalous relationship between injection rate and pressure response was noted. At higher pressure, the injectivity, that is, the change in injection rate occurring per unit injection pressure change, increased. Such an anomaly during normal injection operations is commonly caused by fracture opening or propagation. Propagation of fractures is prohibited (through a limitation of injection pressure) by EPA regulations at 40 CFR 146.13(a)(1).

BPCI reviewed and analyzed all available information, conducted many tests during the drilling of the test well and other tests following the completion of the test well to ascertain the cause of the anomaly. Although some lines of evidence indicated that fracture flow was not the cause of the changing pressure-rate relationship, there has been no convincing demonstration that injection at the modeled pressure cannot result in fracture growth.

Several kinds of testing indicate that the fracture closure pressure, the minimum pressure which will prevent an opened fracture from closing, is related to depth at the BPCI facility by a ratio of 0.69 psi/ft. The minimum pressure required to propagate existing fractures is virtually impossible to determine; however, it is always above closure pressure. To ensure that fractures are not propagated, Region 5 has taken the conservative position that injection pressure should be maintained below closure pressure to maintain a margin of safety. Therefore, the exemption proposed by this decision is conditioned on operation of the wells employing injection pressure below closure pressure.

Notwithstanding the above determination, BPCI has demonstrated that the waste is not migrating vertically out of the injection interval due to the existence of fractures. The effects possibly due to the propagation of fractures are confined to a portion of the openhole interval below 2,900 feet, approximately 100 feet below the casing of the existing waste disposal wells.

The demonstration of no migration assumed that the currently permitted pressure of 844 psig existed throughout the operational period. Limiting injection pressure to fracture closure pressure, about 700 psig measured at the well head, provides a substantial measure of conservatism to the demonstration.

C. Mechanical Integrity Test Information

To assure that the waste does not leak from the tubing prior to reaching the injection zone, Mechanical Integrity Test (MITs) of the wells are required. 40 CFR 148.20(a)(2)(iv) requires submission of results from a satisfactory MIT, including a Radioactive Tracer Survey, performed within one year of petition submission. The BPCI wells were tested during the Summer of 1991. The Standard Pressure Test as described in 40 CFR 146.8 and Radioactive Tracer Tests were conducted for each well. Results of these tests confirmed that the wells have mechanical integrity.

1. Site Description

The BPCI injection wells are located within the City of Lima in Allen County, Ohio. They are in west central Ohio on the western limb of the Findlay Arch. Locally, dip is to the north at about 10 feet per mile. About 3,100 feet of Paleozoic sedimentary rocks covered by a thin vener of glacially deposited materials overlie the Precambrian Middle Run Formation which consists of several thousands of feet of impermeable sandstone deposited upon the granitic basement.

The injection wells at the BPCI facility have approximately 2,000 feet of separation between the lowermost underground source of drinking water (USDW), found in the "Sub-Lockport Dolomite" (upper Cincinnatian shale group) at about 400 feet in depth and the top of the injection zone (Middle Run, Mt. Simon, and Eau Claire Formations). This separation zone is composed of dolomites, shales, sandstones and siltstones; the separating formations are predominantly characterized by low permeability at this location. In addition several zones are composed of sand or dolomitized limestone which have higher porosity and permeability and can function as pressure bleed-off zones. BPCI has divided the stratigraphic column into layers based upon formation boundaries and lithologic character to facilitate discussion.

The BPCI site is located 15 to 20 miles north of the Anna Seismic Region. During the 1930's several earthquakes having body wave magnitudes (m_B) between 4 and 5 occurred. The epicenters of these earthquakes were deep within the Precambrian basement, between five and eight times deeper than the injection zone for the BPCI wells. A seismic monitoring network maintained by the University of Michigan has been installed to monitor seismic activity in the Anna region and a seismic monitoring device has been installed at the BPCI facility to detect microseisms which might be associated with injection activities. At this time, the EPA has no reason to connect any seismic event with injection activities at the BPCI plant.

An analysis was performed to investigate the potential for damage to the injection well construction materials at BPCI site by seismic events in the Anna Seismic Region releasing the maximum anticipated energy. This analysis showed no potential for damage to the injection wells.

2. Injection Zone Description

The injection zone must have sufficient permeability, porosity, thickness and areal extent to prevent migration of fluids into USDWs. The injection zone for the BPCI facility consists of 793 feet of reservoir and arrestment strata including part of the Middle Run Formation and all of the Mt. Simon and Eau Claire Formations at depths 3,223 to 2,430 feet below the surface. (All depths are measured in the stratigraphic test well.) Each of these formations extends far beyond the vicinity of the BPCI facility. The Middle Run Formation is nowhere exposed at the surface and the Mt. Simon and Eau Claire Formations reach the surface only in Wisconsin, hundreds of miles from the BPCI facility. BPCI has subdivided the injection zone into an effective injection interval (which is again subdivided into an active and a passive injection interval), and an arrestment interval (Figure 1). Waste is injected only into the active injection interval. Both the passive injection interval and the arrestment interval prevent migration of hazardous materials out of the injection zone. Together they make up what other petitioners have commonly called the containment interval.

Injection is directly into the active injection interval from the open-hole portion of the waste disposal wells. The active injection interval is composed of the entire Mt. Simon Formation and portions of the underlying Middle Run Formation and the overlying Eau Claire Formation. BPCI has named layers in these formations to facilitate discussions (Figure 1). The Middle Run Formation lies below 3,153 feet; its thickness is unknown. The Formation is

composed of highly indurated, argillaceous sandstone and siltstone; porosity and permeability are due to extensive fracturing which appears to be limited to the uppermost 70 feet of the formation (3,153 to 3,223 feet). The average porosity is just 1.9 percent; however, because of intense natural fracturing, average permeability is over 10 millidarcies (md), enough to allow significant lateral flow. The Mt. Simon Formation is composed of sandstone, and is between 2,813 and 3,153 feet deep. The Mt. Simon has porosities as high as 20 percent and the porosity averages 12 percent for the entire formation. Permeabilities in the Mt. Simon range from .0005 to 695 md for core samples and average as much as 64 md for the MS ^{1} layer. EC ^{1}, the Eau Claire portion of the active injection interval, is between 2,775 and 2,813 feet in depth. It is composed mainly of veriegated sandstones having porosities ranging from 3.5 to 17 percent and an average permeability of 300 md.

The passive injection interval is a portion of the injection interval, above the active injection interval, which does not accept waste directly from the well bore. Some movement of waste into this interval does occur by vertical migration from the active injection interval; however, it is most important because of its capacity to dissipate pressure transmitted from the active injection interval. This allows injection at any rate to occur with less long-term pressure build up than otherwise would be the case. The passive injection interval is between 2,640 and 2,775 feet deep and consists of EC_2 and EC_3 layers of the Eau Claire Formation which are composed of sandstone and silty sandstones with generally moderate porosity (>8 percent) and low average permeability (5 md, horizontal, and 0.004 md, vertical, for EC_2, and 1 md, horizontal, and 0.003 md, vertical, for EC_3) due to occlusion of pore spaces by shale and dolomite. The passive injection interval is marked by a near absence of any except coring induced fractures, so fractures are an unlikely route for vertical waste migration.

BPCI applies the term "arrestment interval" to the portion of the injection zone above the injection interval which contains confining units (dense carbonates and shales) and pressure bleed-off units (porous carbonates and sandstones). The arrestment interval consists of the EC_4, EC_5, and EC_6 layers of the Eau Claire Formation between the depths of 2,430 and 2,630 feet. These layers consist mostly of dolomite with some interbedded shale and sand. Analayses of numerous core samples indicate that the effective vertical permeability of the dolomite is less than 0.00005 md. The interbedded shale further reduces the potential for upward movement due either to advection (pressure driven flow) or diffusion (movement at the molecular level due to concentration gradients. Fracture logging of the core from the stratigraphic test well indicated only closed and mineralized closed fractures in the arrestment interval. No transmissive fractures or faults are known to exist in the arrestment interval. The pore pressures measured during the drilling and completion of the wells, particularly the test well, demonstrate that there is no natural hydrologic connection across the arrestment interval. Therefore, the arrestment interval is suitable for long-term waste confinement.

3. Confining Zone Description

The confining zone must be (1) laterally continuous, (2) free of transecting, transmissive faults or fractures over an area sufficient to prevent fluid movement and, (3) of sufficient thickness and lithologic and stress characteristics to prevent vertical propagation of fractures. The immediate confining zone above the injection zone at BPCI is made up of layers KD_1 and KD_2 in the lower part of the Knox Dolomite (see Figure 1), from 2,100 to 2,430 feet in depth. This confining zone is 330 feet in thickness, and is located 1,700 feet below the lowermost USDW. The confining zone is divided into two layers. The lower, KD_1, is between 2,310 and 2,430 feet deep, consists of vugular dolomite characterized by higher porosity (ranging from five to 15 percent and averaging eight percent) and good permeability (ranging from less than 0.01 to 24 md), while the upper, HD_2 between 2,100 and 2,310 feet, is interbedded silty dolomite and dolomitic shale characterized by lower porosity (one percent average) and permeability (0.0003 md average). The Knox Dolomite or equivalents extend throughout Ohio and into the surrounding states as indicated by numerous lithologic logs. No transmissive faults or fractures are known to exist in the Knox Dolomite in the Area of Review. The porous, permeable lower unit, KD_1, would be effective as a barrier to induced fractures and pressure induced vertical migration because it is capable of conducting liquid away laterally, thereby reducing the pressure within the pore system or any fracture. The upper unit, KD_2, would resist vertical migration because of its low natural permeability. A measurement of the tectonic stresses at 2,125 feet shows that the pressure required to fracture the Knox Dolomite is 0.76 psi or higher for each foot of depth. Because pressure would be lost due to bleed off in the lower Knox as well as in the Mt. Simon and Eau Claire, the Knox Dolomite presents an effective barrier to flow through any fractures as well as to migration through intergranular pore spaces.

The confining zone must be separated from the lowermost USDW by at least one sequence of permeable and less permeable strata that will provide added layers of protection by either providing additional confinement (low permeability units) or allowing pressure bleed-off (high permeability units). Overlying the KD_2 unit, the KD_3 unit between 1,855 and 2,100 feet and the Trenton dolomitized portion of the Trenton Limestone between 1,265 and 1,290 feet are more porous and permeable than the over and underlying strata, allowing for pressure bleed-off. The Wells Creek Shale and Black River Dolomite, 1,438 to 1,855 feet and the Cincinnatian Shales between 373 and 1,265 feet, have very low porosity and permeability. These units provide an alternative sequence of thick units with low permeability and more porous and permeable units. The layers are continuous for hundreds of square miles. Thus, the added layers of protection are well provided.

4. Geochemical Conditions

The characteristics of the injection and confining zone fluids and lithologies must be adequately described in order to determine the waste stream's compatibility with the zones. The injection zone is composed mainly of quartz sandstone, with minor amounts of siltstone and dolomite. These rocks are generally very resistant to chemical degradation, and therefore little, if any, compatibility problems are expected. Following completion of WDW No. 1, mixing tests indicated a reaction between the natural formation waters and the injection which would result in reduced permeability. To alleviate this, BPCI injected fresh water to serve as a buffer between the formation water and the injectate during the completion of WDW No. 2 and No. 3. BPCI has injected approximately 4 billion gallons of wastewater during the period from 1968 to 1992. During this time, the loss of permeability has not necessitated the use of excessive injection pressure. In 1991 BPCI worked over WDW No. 1 to remediate existing damage and plans additional workovers of the other wells to lower the pressure required to inject. The confining zone is composed of silty shale and shaley dolomite and should

have no compatibility problems with the injected fluid.

5. Area of Review

The area of review (AOR) is the minimum area within which the petitioner must identify all wells which penetrate the confining zone and demonstrate whether they have been properly completed or plugged and abandoned. The radius of the AOR is fixed at 2 miles unless enlarged at the Director's discretion to include the cone of influence. The cone of influence is the area within which pressurization of the injection interval can raise a column of formation fluid or injected fluid sufficiently to cause contamination of the lowest USDW. The cone of influence for the BPCI injection wells has a radius of 3.1 miles from the center of the well group. BPCI designated a well search area having a radius of 10 miles. This well search area covers both the cone of influence and the maximum plume radius (5.4 miles) through the 10,000-year period of interest. The only wells which penetrate the confining zone within the well search area are the BPCI wells and an abandoned well that was drilled to 2630 feet, reportedly in the Knox Formation approximately 8 miles from the injection facility. Because no improperly constructed well penetrates the confining zone is located within the cone of influence or the projected plume radius, no corrective action is required for this facility.

E. Model Demonstration of No Migration

The demonstration of no migration of hazardous constituents from the injection zone involves the use of predictive mathematical models. A combination of analytical and numerical models was used in BPCI's demonstration.

Models used for the "no-migration" demonstration must be adequately verified and validated. The verification process has two principal objectives: (1) To ensure that the simulation code is mathematically accurate, and (2) to ensure that the various features of the code are used correctly. The objective of model validation is to demonstrate that the model adequately represents the type of rock layers, the physical processes of the injection zone, and the boundary conditions of the modeled interval.

The BPCI modeling demonstration used a numerical code known as SWIFT II (Sandia Waste-Isolation Flow and Transport Model) to predict the increase of pressure and the lateral flow of waste from the BPCI injection wells. The SWIFT II code has been used and verified extensively, as reported in various Federal publications. The long history of development and successful use of SWIFT codes for sites similar to BPCI provide confidence that the basic processes are accurately represented by the model.

The vertical migration of waste was modeled using a stochastic approach, designed to assign a range of probable permeabilities to a layered interval in which the waste is contained in order to evaluate the model uncertainty through probabilities of vertical migration distance. The model calculates migration velocity based on an analytical solution using pressures predicted by SWIFT as the initial drive mechanism. Other analytical models were also used to determine various components of the waste migration. All of the models used have been verified and validated as recorded in the model documentation, or in references to techniques that are widely accepted by the technical community.

1. Model Development and Calibration

The development of the BPCI model was a two-step process. First, a conceptual model was developed using information developed from well logs and core testing for the rock layers extending from the base of the MR_2 layer of the Middle Run Sandstone through the Knox Dolomite. The data from the recently drilled test well were particularly important. The model included hydrogeologic information such as porosity, permeability and thickness. Next, this initial set of hydraulic parameters was calibrated or "fine-tuned" by comparing pressure response to injection histories predicted using these parameters to pressure records from interference tests involving the test well and two of the injection wells run during August, 1991. Hydraulic parameters for the active injection interval which were developed from the calibration exercise include:

Layer	Porosity Percent	Permeability millidarcies	Thickness feet
EC_1	11	300	25
MS_3	12	50	40
MS_2	12	7.7	130
MS_1	12	63.7	183
MS_2	3	10.7	70

Other model parameters, such as viscosity, and diffusion coefficients, were assigned from site-specific information when possible, and otherwise based on accepted literature vanes. Where parameters, were uncertain, reasonably conservative values were chosen. For those parameters most affecting pressure build up and waste migration, such as permeability, a range of values was modeled so that pressure and migration under less favorable conditions could be determined. Sensitivity analysis indicated that containment of waste within the injection zone would occur even if actual conditions are much less favorable than there is reason to suspect.

2. Model Predictions

Two simulation time periods were considered in the demonstration: A 43-year operational period and a 10,000-year post-operational period. For the operational period, pressure increase due to injection and the lateral and vertical migration due to this pressure were modeled. For the post-operational period, additional lateral migration due to the natural flow gradient and buoyancy, and additional vertical migration due to molecular diffusion were modeled. Modeling results, and the parameter choices which ensure that these results represent reasonably conservative conditions, are presented below.

For the operational period prior to the modeling exercise, actual injection rates averaged for 2 to 5-year periods from July 1, 1968 to the end of September, 1992 were used to predict pressure increase in the injection zone and lateral migration. For the future operational period a combined rate of 560 gpm was used. This exceeds the actual average injection rates of 330 to 340 gpm for the last five years and provides a conservative cushion to the demonstration by causing an over-prediction of waste migration. To be conservative, the current maximum permitted injection pressure was assumed to exist throughout the operational period. This is conservative because the actual injection pressure is controlled below that level. The maximum pressure is controlled below that level. The maximum pressure in the Mt. Simon Sandstone is controlled by the permit issued by the Ohio EPA and must be equal to or lower than the pressure modeled in this demonstration and must not allow fracture initiation or propagation in the injection zone. Pressure buildup is greatest near the injection wells and decreases outward, declining to less than 180 psi (1,230 psig) at a distance of 3.1 miles (the edge of the regulatory Area of Review).

Particle tracking was used to predict vertical waste migration. This method modeled the movement of a representative particle at 2,775 feet, one inch above the active injection interval, on the first day of injection. The

differential pressure at the boundary of the active and passive injection intervals was assumed to be correlative to the maximum permitted pressure throughout the entire operational period and this was used to calculate particle velocity. The approach is conservative because it over-estimates the pressure for portions of the operational period at which wells are not operating at full capacity. A combination of the most probable values for the parameters controlling vertical movement resulted in a migration distance of about 21 feet, to a depth of 2,754 feet, during the operational period. A combination of parameter values chosen to represent a worst-case scenario (porosity of each layer within the passive injection interval and arrestment interval was decreased to the minimum measured value in that layer, horizontal permeability was decreased by a factor of 48 for EC_2 and 10 for EC_3 and vertical permeability of each layer within the passive injection interval and the arrestment interval was increased by a factor of 10) resulted in vertical movement of 136 feet, to 2,639 feet. This is one foot above the boundary between the passive injection interval and the arrestment strata, leaving the waste well within the injection zone during the predicted operational period.

During the post-operational period, molecular diffusion is the primary migration mechanism. Using actual coefficients of molecular diffusion for each major waste constituent, the maximum vertical transport of the waste front during the post-operational period is 184 feet from the assumed starting point at 2,640 feet, that is, to 2,456 feet, 26 feet below the top of the injection zone. This is a conservative estimate because:

(1) It assumes constant concentration at maximum injectate levels at the starting point for the entire post-operational period

(2) The starting point is approximately at the point indicated by modeling with very unfavorable rather than expected conditions, and

(3) The tortuosity of the entire arrestment interval is set equal to the most unfavorable (0.123) of a number of determinations made using core samples.

Therefore, the waste will be contained within the permitted injection zone throughout the post-operational period.

Lateral migration of the waste plume during the operational period is driven almost exclusively by injection pressure and, when determined at the 0.01 concentration ratio (initial concentration/final concentration), is modeled to extend a maximum of 7,325 feet east of the well group's center in layer EC_1 and 6,535 feet west of the centroid in layer MS_1, using realistic site-specific parameters deduced from the calibration exercises mentioned above. To add an additional measure of conservatism, BPCI increased this lateral-migration distance by 20% to 8,790 feet in EC_1 and 7,845 feet in MS_1 for the petition.

During the post-operational period, the modeled movement of the waste plume considered buoyancy forces and the natural flow gradient within the Mt. Simon and Eau Claire Formations. Buoyancy forces resulting from a lighter waste being injected into a more dense formation water result in a substantial movement of the waste front in layer MS_1 because of its thickness which causes development of a greater vertical pressure differential than in any other layer within the active injection interval. The increase in plume radius due to buoyancy at the 0.01 concentration ratio is about 325 feet in 10,000 years. Natural groundwater flow velocity is conservatively estimated to be 0.5 ft./year.

Several investigators have estimated the groundwater flow velocity in this formation at less than 0.5 ft./year at this site. Because the direction of this flow is uncertain, it is conservatively assumed that a flow velocity of 0.5 ft./year exists in approximately the direction of greatest plume development at the BPCI site. This results in an additional 5,000 feet of drift of the waste plume westward to a point 14,325 feet of the BPCI site in 10,000 years. For conservatism, this distance was increased by 20%. From that point an analytical method was used to account for dispersive spread and project plume movement to the health-based limits. Acrylamide, found in the waste at a concentration of 1,500 parts per million (ppm) must be diluted more than any other hazardous constituent to reach its health-based limit of 9.0×10^{-6} ppm. Dispersion will cause reduction to the health-based limit 11,390 feet beyond the 0.01 ratio contour. At this distance, all hazardous constituents will be below the health-based levels or detection limits. Therefore, the maximum predicted lateral migration of waste at the BPCI site is 28,580 feet (5.41 miles). This is within the permitted injection zone and, although outside of the regulatory AOR, it is within the area which BPCI searched and EPA found to have no improperly constructed or plugged wells.

Therefore, BPCI has demonstrated to a reasonable degree of certainty that hazardous constituents will not migrate vertically out of the injection zone nor laterally to a point of discharge in a 10,000 year period.

F. Quality Assurance and Quality Control

BPCI and its consultants have demonstrated that adequate quality assurance and quality control plans were followed in preparing the petition. BPCI has followed appropriate protocol for locating records for penetrations in the AOR, for collection and analyses of geologic and hydrogeologic data, for waste characterization, and for all tasks associated with the modeling demonstration.

III. Conditions of Petition Approval

In order to receive this exemption from the ban on injection of certain hazardous wastes, the BPCI injection operation must meet the no-migration standard and the operation must be protective of human health and the environment. Federal regulations at 40 CFR 146.13(a) establish the standard for a safe injection pressure. Region 5 has determined that operation at or below fracture closing pressure is the best means of assuring that the facility's injection pressure will be protective of human health and the environment. Therefore, as a condition of granting this exemption from the ban on injection of certain hazardous wastes, the USEPA will require that the following conditions be met:

(1) The permitted injection zone must be comprised of the Middle Run, St. Simon, and Eau Claire Formations;

(2) Injection shall occur only into the Mt. Simon Sandstone in WDWs No. 2, 3, and 4 (if permitted), and in WDW No. 1 into the Mt. Simon and that portion of the Eau Claire Formation which is below 2,783 feet (EC_1);

(3) The combined monthly injection volume for the site must not exceed 24 million gallons;

(4) The final report of reflection seismic investigations carried out from 1988 through 1990 shall be completed and submitted to the Ohio EPA in a form acceptable to USEPA by May 8, 1992, and

(5) The petitioner shall fully comply with all requirements set forth in the Underground Injection Control Permit-to-Operate issued by the Ohio EPA.

(6) The injection pressure at the well head shall be limited to closure pressure

at the casing shoe (0.69 psi/ft. × depth) with allowance for the hydrostatic pressure and friction in the injection tubing.

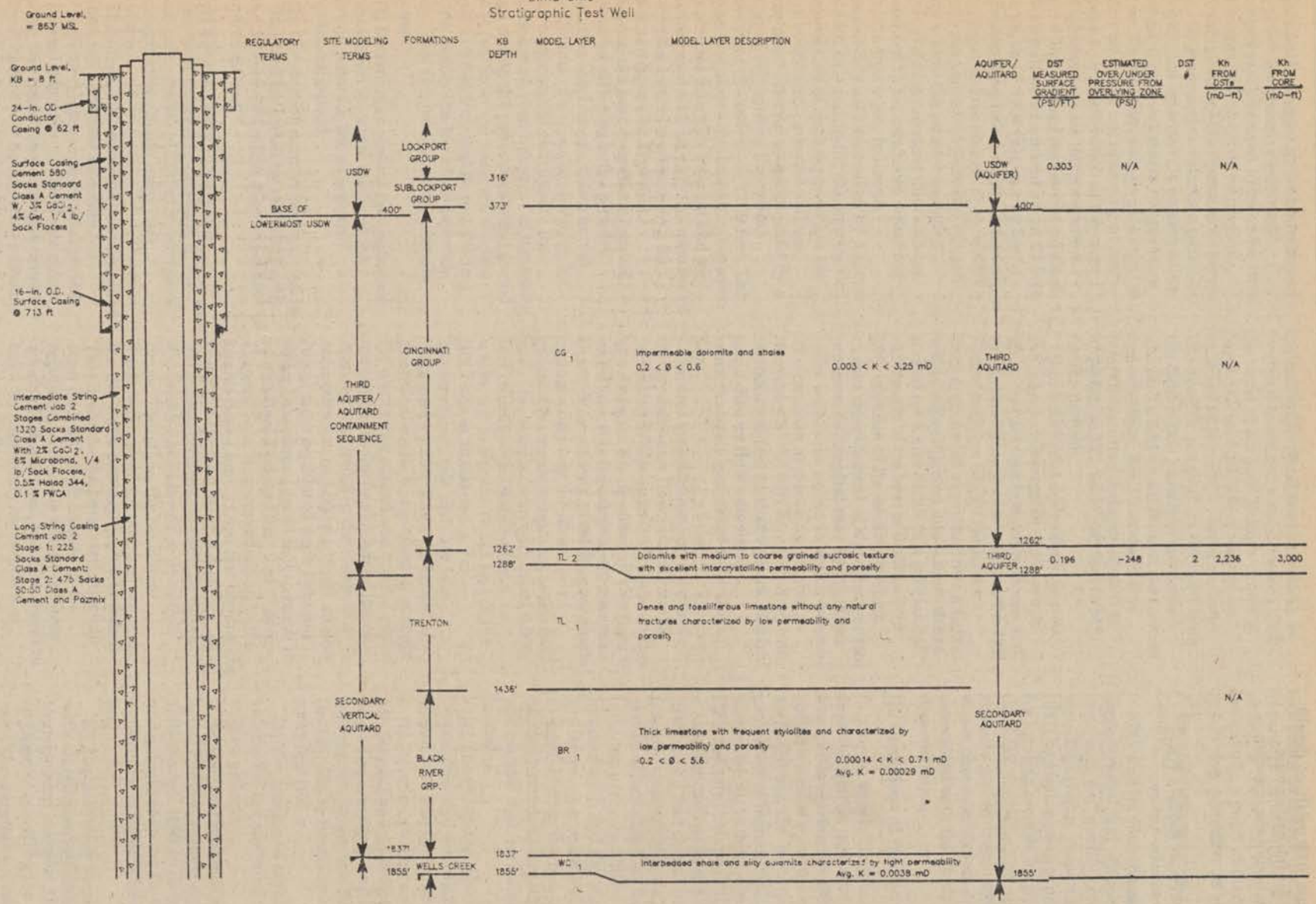
Dated: February 20, 1992.

Dale S. Bryson,

Director, Water Division, Region 5, U.S. Environmental Protection Agency.

BILLING CODE 6560-50-M

BP Chemicals Inc.
Lima Ohio
Stratigraphic Test Well



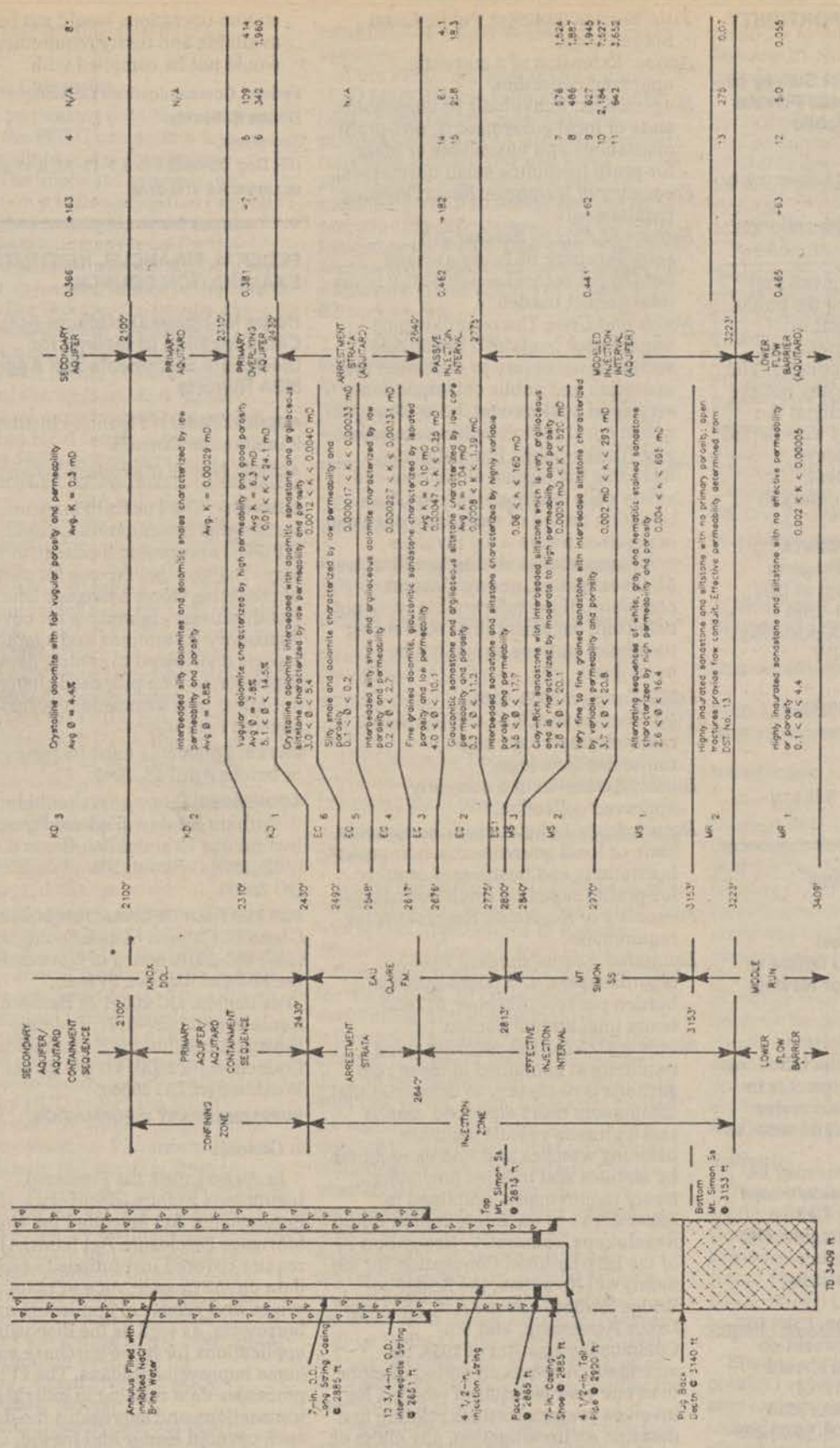


Figure 1 Illustration of multiple vertical containment layers at the Lima site.

[FR Doc. 92-5013 Filed 3-11-92; 8:45 am]
BILLING CODE 6560-50-C

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Proposal To Conduct a Pilot Survey of Americans With Disabilities in Private Industry; Cancellation of Public Hearing

AGENCY: Equal Employment Opportunity Commission.

ACTION: Proposed change: Cancellation of hearing.

SUMMARY: Notice is hereby given that the Commission is cancelling the public hearing on the above proposal to conduct a pilot survey of Americans with disabilities in private industry. The Commission did not receive any notices of intent to give oral testimony at the hearing within the thirty-day time period specified in the hearing notice of December 23, 1991, 56 FR 66445. Therefore, it will not be necessary to hold the hearing.

FOR FURTHER INFORMATION CONTACT: Joachim Neckere, Director, Program Research and Survey Division at (202) 663–4958 (voice) or (202) 708–9300 (TDD), Equal Employment Opportunity Commission, 1801 L Street NW., Washington, DC 20507.

Signed this day at Washington, DC.
For the Commission.

Evan J. Kemp, Jr.,

Chairman.

[FR Doc. 92–5826 Filed 3–11–92; 8:45 am]

BILLING CODE 6570–01–M

FEDERAL COMMUNICATIONS COMMISSION

Public Information Collection Requirements Submitted to Office of Management and Budget for Review

March 4, 1992.

The Federal Communications Commission has submitted the following information collection requirements to OMB for review and clearance under the Paperwork Reduction Act of 1980 (44 U.S.C. 3507).

Copies of these submissions may be purchased from the Commission's copy contractor, Downtown Copy Center, 1114 21st Street, NW., Washington, DC 20036, (202) 452–1422. For further information on these submissions contact Judy Boley, Federal Communications Commission, (202) 632–7513. Persons wishing to comment on these information collections should contact Jonas Neihardt, Office of Management and Budget, room 3235 NEOB, Washington, DC 20503, (202) 395–4814.

OMB Number: 3060–0360.

Title: Section 80.409(c), Public Coast Station Logs.

Action: Extension of a currently approved collection.

Respondents: Individuals or households, state or local governments, non-profit institutions and businesses or other for-profit (including small businesses).

Frequency of Response: Recordkeeping requirement.

Estimated Annual Burden: 316 recordkeepers; 95 hours average burden per recordkeeper; 30,020 hours total annual burden.

Needs and Uses: The recordkeeping requirement contained in this rule section is necessary to document the operation and public correspondence service of public coast radiotelegraph, public coast radiotelephone stations and Alaska-public fixed stations, including the logging of distress and safety calls where applicable. A retention period of more than one year is required where a log involves communications relating to a disaster, an investigation, or any claim or complaint. If the information were not collected, documentation concerning the above stations would not be available.

OMB Number: 3060–0364.

Title: Section 80.409(d) and (e), Ship radiotelegraph logs, ship radiotelephone logs.

Action: Extension of a currently approved collection.

Respondents: Individuals or households, state or local governments, non-profit institutions and businesses or other for-profit (including small businesses).

Frequency of Response: Recordkeeping requirement.

Estimated Annual Burden: 10,950 recordkeepers; 47.3 hours average burden per recordkeeper; 517,935 hours total annual burden.

Needs and Uses: The recordkeeping requirement contained in these rule sections is necessary to document that compulsory radio equipped vessels and high seas vessels maintain listening watches and logs as required by statutes and treaties (including treaty requirements contained in appendix 11 of the international Radio Regulations, chapter IV, Regulation 19 of the International Convention for the Safety of Life at Sea, the Bridge-to-Bridge Radiotelephone Act, The Great Lakes Agreement, and the Communications Act of 1934, as amended). A retention period of more than one year is required where a log involves communications relating to a disaster, an investigation, any claim of complaint. If the data were not collected, documentation concerning station operations would not be available and treaty requirements would not be complied with.

Federal Communications Commission.

Donna R. Searcy,

Secretary.

[FR Doc. 92–5835 Filed 3–11–92; 8:45 am]

BILLING CODE 6712–01–M

FEDERAL FINANCIAL INSTITUTIONS EXAMINATION COUNCIL

Home Mortgage Disclosure Act; Categorization of Income for Disclosure Statements and Aggregate MSA Reports

AGENCY: Federal Financial Institutions Examination Council.

ACTION: Notice of proposed changes.

SUMMARY: The Federal Financial Institutions Examination Council (FFIEC) is proposing a change in the way it categorizes income for purposes of preparing Home Mortgage Disclosure Act disclosure statements for covered depository institutions and aggregate reports distributed to central data depositories. The proposed change does not affect how income is reported by covered institutions.

DATES: Comments must be received on or before April 13, 1992.

ADDRESSES: Comments should be sent to Barbara Kenlaw, Federal Financial Institutions Examination Council, suite 850B, 1776 G Street, NW., Washington, DC 20006.

FOR FURTHER INFORMATION CONTACT: Glenn G. Canner, Senior Economist, (202) 452–2910, Board of Governors of the Federal Reserve System, Washington, DC 20551 or Barbara Kenlaw, (202) 357–0177, Federal Financial Institutions Examination Council, suite 850B, 1776 G Street, NW., Washington, DC 20006.

SUPPLEMENTARY INFORMATION:

1. General

In August 1989, the Financial Institutions Reform, Recovery and Enforcement Act amended the Home Mortgage Disclosure Act (HMDA) to require covered institutions to report data on the income, race or national origin, and gender of applicants and borrowers, as well as the disposition of applications for home purchase and home improvement loans. The FFIEC processes data relating to individual transactions and aggregates the data for each covered lender and for the complete lending activity in each metropolitan statistical area (MSA)

where home lending activity was reported.

2. Income Categories

When processing data to prepare its reports, the FFIEC categorizes loan applicants into one of four income groups. The applicant's income, as recorded on a loan application register, is compared to the estimated current median family income level for the particular MSA where the property the applicant is seeking to buy or improve is located. The four income groups are: Less than 80 percent of the median MSA family income, 80–99 percent of the median MSA family income, 100–120 percent of the median MSA family income, and more than 120 percent of the median MSA family income.

For the 1990 disclosure reports, the current median family income level used for a particular MSA was derived by multiplying the estimated 1980 MSA median family income by an inflation adjustment factor. The factor was uniform across all MSAs. The inflation adjustment factor used for 1990 reports was 1.6424, which reflected changes in the consumer price index between December 1979 and December 1989. The estimation technique currently employed by the FFIEC has two main weaknesses. First, by accounting only for changes in price levels it fails to account for changes in real family income over time. Second, it fails to reflect changes in the economic conditions across MSAs.

The FFIEC is seeking public comment on a proposed change to the methodology used to estimate the current level of median family incomes for MSAs. Specifically, the FFIEC would apply the annual median family income figures as published by the Department of Housing and Urban Development (HUD) rather than the inflation-adjusted estimates described above. The annual MSA median family income estimates derived by HUD reflect the latest available data on wage changes from the County Business Patterns and from median family income data from the Bureau of the Census Current Population Reports, P–60 Series. (For interested parties, the precise methodology used by HUD to calculate their estimates of current MSA median family incomes can be obtained from the FFIEC.) The estimation techniques employed by HUD takes advantage of the most up-to-date information available for estimating current levels of MSA median family incomes.

The median family income figures published by HUD are widely used in government housing programs and a switch by the FFIEC to the income estimates derived by HUD would establish uniformity across government agencies.

If the FFIEC changes to the annual HUD MSA income estimates, it would begin using these figures with the preparation of HMDA disclosure reports reflecting 1991 lending and loan application data. The MSA median income figures that would be used to prepare 1991 reports would be the HUD estimates for Fiscal Year 1991. The proposed change would affect standard disclosure tables 3, 4.1–4.6, 5.1–5.6, 6.1–6.6 and 8.1–8.6.

Dated: March 5, 1992.

Joe M. Cleaver,

Executive Secretary.

[FR Doc. 92–5805 Filed 3–11–92; 8:45 am]

BILLING CODE 6210–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Alcohol, Drug Abuse, and Mental Health Administration

Grants and Cooperative Agreements

AGENCY: Office for Substance Abuse Prevention, ADAMHA, PHS, HHS.

ACTION: Program Announcement Update and Reissuance.

The Office for Substance Abuse Prevention (OSAP) is reannouncing the following grant program:

Substance Abuse Prevention Conference Grants

Under the authority of section 508 of the Public Health Service Act, OSAP will accept applications to support domestic conferences from public and private, profit, and not for profit entities for the purpose of coordinating, exchanging, and disseminating information in furtherance of OSAP's mission to prevent alcohol and other drug abuse, particularly as it pertains to high risk youth. Applications are invited for regional and national conferences relating to substance abuse prevention, including conferences for the purposes of information dissemination to the services community and the general public, and national strategy development for substance abuse prevention. Approximately $2 million will be available for constituency-initiated conferences annually. Awards will be limited to no more than $50,000 for any one conference. The Catalog of Federal Domestic Assistance number for this program is 93.174.

The announcement has been updated and revised to provide clarification of the application and review process, and to incorporate new receipt dates. The OSAP will now accept applications in response to this announcement on January 20, May 20, and September 20 of each year.

Application kits including a copy of the complete program announcement and guidance for submission are available from: National Clearinghouse for Alcohol and Drug Information (NCADI), P.O. Box 2345, Rockville, MD 20852, (301) 468–2600, 1–800–729–6686.

For additional information regarding the program and/or application procedures, contact: Budget, Planning and Evaluation Unit, Office for Substance Abuse Prevention, ADAMHA, Rockwall II Building, 9th Floor, 5600 Fishers Lane, Rockville, MD 20857, (301) 443–6980.

Joseph R. Leone,

Associate Administrator for Management, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc. 92–5786 Filed 3–11–92; 8:45 am]

BILLING CODE 4160–20–M

Agency for Toxic Substances and Disease Registry

[Announcement Number 206]

Public Health Conference Support Grant Program

Introduction

The Agency for Toxic Substances and Disease Registry (ATSDR) announces the availability of funds in Fiscal Year 1992 for the Public Health Conference Support Grant Program. The Public Health Service (PHS) is committed to achieving the health promotion and disease prevention objectives of Healthy People 2000, a PHS-led national activity to reduce morbidity and mortality and improve the quality of life. This announcement is related to the priority area of Environmental Health. (For ordering a copy of Healthy People 2000, see the Section *Where to Obtain Additional Information.*)

Authority

This program is authorized under sections 104(i) (14) and (15) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended, (42 U.S.C. 9604(i) (14) and (15)).

Eligible Applicants

Eligible applicants are states, and political subdivisions thereof, which may include state universities, state colleges, state research institutions, state hospitals, state and local health departments, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the Federated

States of Micronesia, the Republic of the Marshall Islands, the Republic of Palau, the Northern Mariana Islands, American Samoa, and federally-recognized Indian Tribal governments.

Availability of Funds

Approximately $50,000 will be available in Fiscal Year 1992 to fund approximately 5 awards. It is expected that the average award will be $10,000, ranging from $7,500 to $12,500. The awards will be made for a 12-month budget and project period. Funding estimates may vary and are subject to change.

1. Grant funds may be used for direct cost expenditures: salaries, speaker fees, rental of necessary equipment, registration fees, transportation costs (not to exceed economy class fare) for non-Federal employees.

2. Grant funds may not be used for the purchase of equipment, payments of honoraria, alterations or renovations, organizational dues, entertainment/personal expenses, cost of travel and payment of a full-time Federal employee, for per diem or expenses other than local mileage for local participants, or reimbursements of indirect costs. Although the practice of handing out novelty items at meetings is often employed in the private sector to provide participants with souvenirs, Federal funds cannot be used for this purpose.

Purpose

This program will provide partial support for non-Federal conferences on disease prevention, health promotion and information/education projects. Applications are being solicited for conferences on: (1) Health effects of toxic substances; (2) disease and exposure registries; (3) hazardous substance removal and remediation; (4) emergency response to toxic and environmental disasters; and (5) risk communication, disease surveillance and investigation and research on hazardous substances. Because conference support by ATSDR creates the appearance of ATSDR co-sponsorship, there will be active participation by ATSDR in the development and approval of those portions of the agenda supported by ATSDR funds. In addition, ATSDR will reserve the right to approve or reject the content of the full agenda, speaker selection, and site selection. ATSDR funds will not be expended for non-approved portions of meetings. Contingency awards will be made allowing usage of only 10% of the total amount to be awarded until a final full agenda is approved by ATSDR. This will provide funds for costs associated with preparation of the agenda. The remainder of funds will be released only upon approval of the final full agenda. ATSDR reserves the right to terminate co-sponsorship if it does not concur with the final agenda.

Program Requirements

A. Manage all activities related to program content (e.g., objectives, topics, attendees, session design, workshops, special exhibits, speakers, fees, agenda composition and printing). Many of these items may be developed in concert with assigned ATSDR project personnel.

B. Provide draft copies of the agenda and proposed ancillary activities to ATSDR for approval. Submit copy of final agenda and proposed ancillary activities to ATSDR for approval.

C. Determine and manage all promotional activities (e.g., title, logo, announcements, mailers, press, etc.). ATSDR must review and approve of any materials with reference to ATSDR involvement or support.

D. Manage all registrants (e.g., travel, reservations, correspondence, conference materials and hand-outs, badges, registration, (procedures, etc.).

Plan, negotiate, manage conference site arrangements, including all audio-visual needs.

F. Develop and conduct education and training programs on prevention.

G. Plan and conduct appropriate evaluation of education and training on prevention.

H. Collaborate with ATSDR staff in reporting and disseminating results and relevant prevention education and training information to appropriate Federal, state, and local agencies, and the general public.

Evaluation Criteria

Applications will be reviewed and evaluated according to the following criteria (*Total 100 Points*):

A. Proposed Program and Technical Approach: 50 Points

The description of (a) the public health significance of the proposed conference including the degree to which the conference can be expected to influence public health practices; (b) the feasibility of the conference in terms of an operational plan; (c) clearly stated conference objectives and the potential for accomplishing those objectives; and (d) the method of evaluating the conference.

B. The Qualification of Program Personnel: 30 Points

Evaluation will be based on the extent to which the proposal has described (a) the qualifications, experience, and commitment of the principal staff person, and his/her ability to devote adequate time and effort to provide effective leadership, and (b) the competence of associate staff persons, discussion leaders, speakers and presenters to accomplish the proposed conference.

C. Applicant Capability: 20 Points

Evaluation will be based on the description of (a) the adequacy and commitment of institutional resources to administer the program, and (b) the adequacy of the facilities to be used for the conference.

D. Budget Justification and Adequacy of Facilities: Not Scored

The proposed budget will be evaluated on the basis of its reasonableness, concise and clear justification, and consistency with the intended use of grant funds. The application will also be reviewed as to the adequacy of existing and proposed facilities and resources for conducting conference activities.

Executive Order 12372 Review

Applications are not subject to review as governed by Executive Order 12372, Intergovernmental Review of Federal Programs (45 CFR 100).

Catalog of Federal Domestic Assistance

The Catalog of Federal Domestic Assistance number is 93.161.

Application Submission and Deadline

The original and two copies of the application PHS Form 5161–1 shall be submitted in accordance with the schedule below.

Application deadline: July 15, 1992.

Applications must be submitted on or before the deadline date to: Mr. Henry S. Cassell, III, Grants Management Officer, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control, 255 East Paces Ferry Road, NE., room 300, Atlanta, Georgia 30305. By formal agreement, the CDC Procurement and Grants Office will act on behalf of and for ATSDR on this matter.

1. Deadline

Applications shall be considered as meeting the deadline if they are either: a. Received on or before the deadline date; or b. Sent on or before the deadline date and received in time for submission to the review committee. (Applicants should request a legibly-dated U.S. Postal Service postmark or obtain a legibly-dated receipt from a

commercial carrier or the U.S. Postal Service. Private metered postmarks shall not be acceptable as proof of timely mailing.)

2. Late Applications

Applications that do not meet the criteria in 1.a. or 1.b. above are considered late applications and will be returned to the applicant.

Where To Obtain Additional Information

A complete program description and information on application procedures are contained in the application package. Business management assistance may be obtained from Van Malone, Grants Management Specialist, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control, 255 East Paces Ferry Road, NE., room 300, Atlanta, Georgia 30305, (404) 842–6797. Programmatic technical assistance may be obtained from Jim Carpenter, Project Officer, Agency for Toxic Substances and Disease Registry, Division of Health Studies, 1600 Clifton Road, NE., Mailstop E–33, Atlanta, Georgia 30333, (404) 639–6206.

Please refer to announcement number 206 when requesting information and submitting an application.

Potential applicants may obtain a copy of Healthy People 2000 (Full Report, Stock No. 017–001–00474–0) or Healthy People 2000 (Summary Report, Stock No. 017–001–00473–1) referenced in the **Introduction** through the Superintendent of Documents, Government Printing Office, Washington, DC 20402–9325 (Telephone: (202) 783–3238).

Dated: March 4, 1992.

William L. Roper,

Administrator, Agency for Toxic Substances and Disease Registry.

[FR Doc. 92–5757 Filed 3–11–92; 8:45 am]

BILLING CODE 4160–70–M

Centers for Disease Control

[Announcement Number 212]

HIV-Related Tuberculosis Demonstration Cooperative Agreements

Introduction

The Centers for Disease Control (CDC), the Nation's prevention agency, announces that cooperative agreement applications are to be accepted for tuberculosis (TB) and human immunodeficiency virus (HIV) preventive therapy follow-up demonstration projects

The Public Health Service (PHS) is committed to achieving the health promotion and disease prevention objectives of Healthy People 2000, a PHS-led national activity to reduce morbidity and mortality and improve the quality of life. This announcement is related to the priority areas of HIV Infection and Immunization and Infectious Diseases. (For ordering a copy of Healthy People 2000, see the section *Where To Obtain Additional Information*).

Authority

This program is authorized by the Public Health Service Act: section 301(a) (42 U.S.C. 241(a)) as amended; and Section 317(k) [42 U.S.C. 247b(k)]. Regulations governing programs for preventive health services are codified at 42 CFR part 51b. Subpart A contains general provisions relating to this program.

Eligible Applicants

Eligible applicants for this program include states, political subdivisions of states, and the other public and private nonprofit organizations. Priority consideration will be given to applicants who have successfully identified, recruited, and maintained a registry of dually-infected (HIV/TB) persons in a preventive therapy trial and have exhibited the ability to perform follow up procedures and evaluate participants receiving preventive therapy. Applicants must be able to locate and monitor a minimum of 50 dually-infected persons who have previously been given tuberculosis preventive therapy.

Availability of Funds

Approximately $800,000 is available in Fiscal Year 1992 to fund one to four preventive therapy follow-up studies. Awards are expected to range from $150,000 to $500,000. The awards will begin on or about July 1, 1992, for a 12-month budget period within a 2-year project period. Funding estimates may vary and are subject to change. Continuation awards within an approved project period will be made on the basis of satisfactory performance and the availability of funds.

Purpose

The purpose of this program is to improve the prevention and treatment of HIV-related TB through demonstration and applied research. Applied research, as used in the context of this announcement, means the process of developing and evaluating practical operational approaches and solutions to HIV-related TB problems and the evaluation of new technology (e.g., new drugs, new diagnostic tests) in clinical settings to determine its efficacy, feasibility, and applicability.

In Fiscal Year 1992, one of the priority areas of interest is to determine the efficacy of current drugs and drug regimens for TB preventive therapy in persons with both HIV and M. tuberculosis infections. It is extremely important to assess persons during various stages of HIV infection and the possible effect of tuberculosis preventive therapy on the progression of HIV infection.

National Goals

The ultimate goal of tuberculosis prevention and control efforts is disease elimination (a case rate of less than 0.1 per 100,000 population) by the year 2010, with an interim target goal of no more than 3.5 cases per 100,000 population by the year 2000.

The Healthy People 2000 national goals relating to tuberculosis and HIV infection are to:

A. Assess the impact of HIV infection on tuberculosis morbidity and mortality.

B. Develop more effective tools for the diagnosis of tuberculous infection and disease in persons with HIV infection.

C. Determine optimal drug regimens for the treatment of tuberculosis in persons with HIV infection.

D. Develop optimal tuberculosis preventive therapy regimens for dually-infected persons.

E. Prevent tuberculosis disease among dually-infected persons.

Program Requirements

In conducting activities to achieve the purpose of the program, the recipient shall be responsible for conducting activities under A., below, and CDC will be responsible for conducting activities under B., below:

a. *Recipient Activities*: Develop and implement strategies that are applicable to TB/HIV-infected persons in the United States and that include a description of the methods to be used to monitor and insure compliance, assess toxicity, and evaluate patients for 2 years after completion of preventive therapy.

Applicants are required to provide HIV antibody testing to determine a person's HIV infection status; therefore they must comply with State laws and regulations and CDC guidelines regarding pre-test and post-test counseling and partner notification of HIV-seropositive patients. Applicants must comply with State and local health department requirements regarding specific reportable diseases or conditions. Applicants will also be

required to provide referrals for HIV diagnosis and treatment. Specific recipient activities are:

1. Implement follow-up procedures used to monitor dually-infected (TB/HIV) individuals receiving preventive therapy.

2. Develop/implement methods for the follow-up of dually-infected (TB/HIV) individuals not receiving preventive therapy.

3. Develop/implement an evaluation plan that measures the effectiveness of the trial regimen or regimens employed.

4. Prepare and publish findings.

B. *CDC Activities:*

1. Provide consultation and technical assistance in planning, operating, and evaluating strategies and protocols.

2. Provide up-to-date scientific information and coordinate the exchange of information among recipients.

3. Assist in data management, analysis, and the evaluation of programmatic activities.

4. Assist recipients in collaborating with State and local health departments and other PHS-supported tuberculosis and HIV/AIDS recipients.

5. Assist in the preparation and publication of results.

Evaluation Criteria

Applications will be reviewed and evaluated according to the following criteria: (Maximum of 100 total points)

A. The ability of the applicant to determine the extent of the problem of tuberculosis and HIV infection in their area to include: a. the number of tuberculosis cases; b. the number of AIDS cases; c. the number of tuberculosis cases with AIDS/HIV infection; d. the estimated prevalence of HIV seropositivity in various population groups; and e. the estimated prevalence of tuberculin reactivity among AIDS risk groups. (15 points)

B. The ability of the applicant to perform active follow-up procedures to all participants who have received preventive therapy (currently still receiving drugs or those who have completed the drug therapy portion of their treatment) including methods to deal with noncompliant patients; and the extent to which qualified and experienced personnel are available to carry out the proposed activities. (30 points)

C. The extent to which the applicant's short- and long-term objectives are realistic, measurable, time-phased, and consistent with the purpose of the program. (15 points)

D. The overall potential effectiveness of the applicant's proposed activities and methods for meeting the stated objectives. (20 points)

E. The adequacy of plans to evaluate progress in implementing methods and achieving objectives. (20 points)

Consideration will also be given to the extent to which the budget request is clearly explained, adequately justified, reasonable, and consistent with the intended use of funds.

Funding Priorities

Although new applicants will be considered, priority for funds will be given to continuation of existing preventive therapy programs which have demonstrated the ability to perform follow up services and evaluate participants receiving preventive therapy.

Other Requirements

Recipients must comply with the document titled: *Contents of HIV/AIDS-Related Written Materials, Pictorials, Audiovisual, Questionnaires, Survey Instruments, and Educational Sessions,* a copy of which is included in the application packet.

Applicants must have in place systems to insure the confidentiality of all patient records. This project, which involves human subjects, will not be awarded until an acceptable assurance has been given that the human subjects protocol will be subject to initial and continuing review by an appropriate institutional committee(s) as described in 45 CFR part 46.

Executive Order 12372 Review. Applications are subject to the Intergovernmental review of Federal Programs as governed by Executive Order 12372. E.O. 12372 sets up a system for state and local government review of processed federal assistance applications. Applicants (other than federally-recognized Indian tribal government) should contact their state Single Point of Contacts (SPOCs) as early as possible to alert them to the prospective applications and receive any necessary instructions on the state process. For proposed projects serving more than one state, the applicant is advised to contact the SPOC for each affected state. A current SPOC lists is included in the application kit. If SPOCS have any state process recommendations on application submitted to CDC, they should forward them to: *Edwin L. Dixon,* Grants Management Officer, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control 255 East Paces Ferry Road NE., room 300, Atlanta, GA 30305 no later than June 30, 1992. CDC does not guarantee to "accommodate or explain" for state process recommendations it receives after June 30, 1992.

Catalog of Federal Domestic Assistance Number. The catalog of Federal Domestic Assistance Numbers are 93.116, Project Grants and Cooperative Agreements for Tuberculosis Control Programs; and 93.118, Acquired Immunodeficiency Syndrome (AIDS) activities.

Application and Submission Deadline. The original and two copies of the application (Form PHS–5161–1) must be submitted to *Edwin L. Dixon,* Grants Management Officer, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control, 255 East Paces Ferry Road, NE., room 300, Mailstop E–14, Atlanta, GA 30305 on or before May 1, 1992.

1. *Deadline:* Applications shall be considered as meeting the deadline if they are:

a. Received on or before the deadline date, or

b. Sent on or before the deadline date and received in time for submission to the independent review committee. (Applicants must request a legibly dated U.S. Postal Service postmark or obtain a legibly dated receipt from a commercial carrier or the U.S. Postal Service. Private metered postmarks will not be acceptable as proof of timely mailing.)

2. *Late Applications:* Applications that do not meet the criteria in 1.a. or 1.b. are considered late applications. Late applications will not be considered in the current competition and will be returned to the applicant.

Where to Obtain Additional Information. A complete program description, information on application procedures, an application package, and business management technical assistance may be obtained from *Lynn Mercer,* Grants Management Specialist, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control, 255 East Paces Ferry Road NE., room 300, Atlanta, GA 30305, (404) 842–6640 or FTS 236–6640.

Programmatic technical assistance may be obtained from *Lawrence J. Geiter,* Division of Tuberculosis Control, National Center for Prevention Services, Centers for Disease Control, Atlanta, GA 30333, (404) 639–2530 or FTS 236–2530.

Please refer to Announcement 212, *Tuberculosis and Human Immunodeficiency Virus (HIV) Preventive Therapy Follow-up Demonstration Projects,* when requesting information or submitting an application.

Potential applicants may obtain a copy of Healthy People 2000 (Full

Report, Stock No. 017–001–00474–0) or Healthy People 2000 (Summary Report; Stock No. 017–001–00473–1) referenced in the Introduction through the Superintendent of Documents, Government Printing Office, Washington, DC 20402–9325 (Telephone (202) 783–3238).

Dated: Mar. 6, 1992.

Robert L. Foster,

Acting Director, Office of Program Support Centers for Disease Control.

[FR Doc. 92–5756 Filed 3–11–92; 8:45 am]

BILLING CODE 4160–18–M

Hanford Thyroid Morbidity Study Advisory Committee: Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control (CDC) announces the following committee meeting.

Name: Hanford Thyroid Morbidity Study Advisory Committee.

Time and Date: 9 a.m.–5 p.m., March 27, 1992.

Place: Days Hotel at Lenox, 3377 Peachtree Road, NE., Atlanta, Georgia 30326.

Status: Open to the public, limited only by the space available.

Purpose: This committee is charged with providing advice and guidance to the Director, CDC, regarding the scientific merit and direction of the Hanford Thyroid Morbidity Study. The Committee will review development of the study protocol and recommend changes of scientific merit to CDC, advise on the conduct of the pilot study using the approved protocol, and assist in determining the feasibility of a full-scale epidemiologic study. If the full-scale epidemiologic study is carried out, the Committee will advise CDC on the design and conduct of the study and analysis of the results.

Matters to be Discussed: The Committee will comment on the status of various components of the Hanford Thyroid Morbidity Study. Specifically, the discussions will focus on sampling frame, tribal activities and plans, confidentiality assurance, and status reports on the pilot study procedures.

Agenda items are subject to change as priorities dictate.

Contact Person for More Information: Nadine Dickerson, Program Analyst, Radiation Studies Branch, Division of Environmental Hazards and Health Effects, National Center for Environmental Health and Injury Control, CDC, 1600 Clifton Road, NE., (F–28), Atlanta, Georgia 30333, telephone 404/488–4613 or FTS 236–4613.

Dated: March 6, 1992.

Elvin Hilyer,

Associate Director for Policy Coordination, Centers for Disease Control.

[FR Doc. 92–5754 Filed 3–11–92; 8:45 am]

BILLING CODE 4160–18–M

National Committee on Vital and Health Statistics (NCVHS) Subcommittee on Medical Classification Systems: Meeting

Pursuant to Public Law 92–463, the National Center for Health Statistics (NCHS), Centers for Disease Control, announces the following meeting.

Name: NCVHS Subcommittee on Medical Classification Systems.

Times and Dates: 9:30 a.m.–5 p.m., April 21, 1992. 9 a.m.–1 p.m., April 22, 1992.

Place: Room 503A–529A, Hubert H. Humphrey Building, 200 Independence Avenue, SW., Washington, DC 20201.

Status: Open.

Purpose: The Subcommittee will discuss the proposed chapter revisions to Volume 3 of the International Classification of Diseases (ICD), 9th Revision, Clinical Modification; implementation plans for ICD, 10th Revision; status of a proposed computer-based record system; and the Subcommittee's workplan.

Contact Person for More Information: Substantive program information as well as summaries of the meeting and a roster of committee members may be obtained from Gail F. Fisher, Ph.D., Executive Secretary, NCVHS, NCHS, room 1100, Presidential Building, 6525 Belcrest Road, Hyattsville, Maryland 20782, telephone 301/436–7050 or FTS 436–7050.

Dated: March 6, 1992.

Elvin Hilyer,

Associate Director for Policy Coordination, Centers for Disease Control.

[FR Doc. 92–5755 Filed 3–11–92; 8:45 am]

BILLING CODE 4160–18–M

Health Resources and Services Administration

Advisory Council; Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92–463), announcement is made of the following National Advisory body scheduled to meet during the month of April 1992:

Name: National Advisory Council on Migrant Health.

Date and Time: April 4–5, 1992–8 a.m.

Place: Sheraton Harbor Island, 1380 Harbor Island Drive, San Diego, California 92101.

The meeting is open to the public.

Purpose: The Council is charged with advising, consulting with, and making recommendations to the Secretary and the Administrator, Health Resources and Services Administration, concerning the organization, operation, selection, and funding of Migrant Health Centers and other entities under grants and contracts under section 329 of the Public Health Service Act.

Agenda: The agenda includes a overview of Council general business activities and priorities. Saturday, April 4, 10 a.m. to 11:30 a.m. and 1 p.m. to 5 p.m. public hearings are scheduled at the above hotel where the Council will solicit oral and written comments from farmworkers and organizations serving farmworkers specific to migrant/seasonal farmworker health and migrant health program issues. Sunday, April 5 the Council will resume the general business meeting.

This Council meeting is being held in conjunction with the 1992 Migrant Health and Migrant Clinical Issues Conference, April 4–8.

The Council has a workshop planned during the National Conference for Tuesday, April 7, 10:30 a.m.–12 p.m., "National Advisory Council on Migrant Health: Future Collaboration and Responsibilities". The Council will review the 1992 Recommendations and then solicit participation and comments from ALL migrant health center staff.

Anyone requiring information regarding the subject Council should contact Mr. Jack Egan, Acting Executive Secretary, National Advisory Council on Migrant Health, room 7A–55, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, Telephone (301) 443–1153.

Agenda Items are subject to change as priorities dictate.

Dated: March 6, 1992.

Jackie E. Baum,

Advisory Committee Management Officer, HRSA.

[FR Doc. 92–5785 Filed 3–11–92; 8:45 am]

BILLING CODE 4160–15–M

Public Health Service

National Vaccine Advisory Committee, Public Meeting

AGENCY: Office of the Assistant Secretary for Health, HHS.

SUMMARY: The Department of Health and Human Services (DHHS) and the Office of the Assistant Secretary for Health are announcing the forthcoming meeting of the National Vaccine Advisory Committee.

DATES: Date, Time and Place: April 20, 1992 at 9 a.m.; and April 21, at 8:30 a.m.; Hubert H. Humphrey Building, room 703A, 200 Independence Avenue, SW., Washington, DC 20201. The entire meeting is open to the public.

FOR FURTHER INFORMATION CONTACT: Written requests to participate should be sent to Kenneth J. Bart, M.D. M.P.H., Executive Secretary, National Vaccine Advisory Committee, National Vaccine Program, 5600 Fishers Lane, Parklawn Building, room 13A–56, Rockville, Maryland 20857, (301) 443–0715.

AGENDA:

Open Public Hearing: Interested persons may formally present data, information, or views orally or in writing on issues pending before the Advisory Committee or on any of the duties and responsibilities of the Advisory Committee as described below. Those

desiring to make such presentations should notify the contact person before April 10, 1992, and submit a brief statement of the information they wish to present to the Advisory Committee. Those requests should include the names and addresses of proposed participants and an indication of the approximate time required to make their comments. A maximum of 15 minutes will be allowed for a given presentation. Any person attending the meeting who does not request an opportunity to speak in advance of the meeting will be allowed to make an oral presentation at the conclusion of the meeting, if time permits, at the chairperson's discretion.

Open Advisory Committee Discussion: There will be introductions on the four new committee members to the NVAC; updates on the National Vaccine Program, and the National Vaccine Compensation Program. There will be reports and discussions on the four working subcommittees: Access to Services; Adult Immunization; Planning; and State and Local Impediments to Immunization Services. Presentations on vaccine supply issues will also be on the agenda. Meetings of the Advisory Committee shall be conducted, insofar as is practical, in accordance with the agenda published in the **Federal Register** notices. Changes in the agenda will be announced at the beginning of the meeting.

Persons interested in specific agenda items may ascertain from the contact person the approximate time of discussion. A list of Advisory Committee members and the charter of the Advisory Committee will be available at the meeting. Those unable to attend the meeting may request this information from the contact person. Summary minutes of the meeting will be made available upon request from the contact person.

Dated: March 3, 1992.

Kenneth J. Bart,

Executive Secretary, NVAC.

[FR Doc. 92-5731 Filed 3-11-92; 8:45 am]

BILLING CODE 4160-17-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Lead-Based Paint Abatement and Poisoning Prevention

[Docket No. N-92-3409]

Submission of Proposed Information Collection to OMB

AGENCY: Office of Lead-Based Paint Abatement and Poisoning Prevention, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: Comment due date: April 2, 1992.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and should be sent to:

Jennifer Main, OMB Desk, Office of Management and Budget, New Executive Office Building, Washington, DC 20503

Joan Campion, Rules Docket Clerk, Department of HUD, 451 7th Street, SW., Washington, DC 20410.

FOR FURTHER INFORMATION CONTACT: Kay Weaver, Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, Southwest Washington, DC 20410, telephone (202) 708-0055. This is not a toll-free number. Copies of the proposed forms and other available documents submitted to OMB may be obtained from Ms. Weaver.

SUPPLEMENTARY INFORMATION: This Notice informs the public that the Department of Housing and Urban Development has submitted to OMB, for expedited processing, an information collection package with respect to a Notice of Fund Availability (NOFA) for HUD's Great Program for Lead-Based Paint Abatement in Low and Moderate Income Housing. HUD is requesting a 21-day OMB review of this information collection.

The funds for this technical assistance were appropriated by the VA, HUD and IAA Act of 1992 (Pub. L. 102-139 approved October 28, 1991).

HUD intends to provide $47,700,000 under the NOFA to State and local governments and Indian Tribes for the abatement of significant lead-based paint and lead dust hazards in low and moderate income owner-occupied and units and low-income privately owned rental units.

The NOFA describes: (1) The nature and scope of eligible activities; (2) the application process and the factors that HUD will use in evaluating all applications; and (3) the selection and approval procedures.

The Department has submitted the proposal for the collection of information, as described below, to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. chapter 35);

(1) The title of the information collection proposal;

(2) The office of the agency to collect the information;

(3) The description of the need for the information and its proposed use;

(4) The agency form number, if applicable

(5) What members of the public will be affected by the proposal;

(6) How frequently information submission will be required;

(7) An estimate of the total number of hours needed to prepare the information submission including number of respondents, frequency of response, and hours of response;

(8) Whether the proposal is new or an extension, reinstatement, or revision of an information collection requirement; and

(9) The names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Authority: Section 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507, section 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: March 4, 1992.

Arthur S. Newburg,

Director, Office of Lead-Based Paint, Abatement & Poisoning Prevention.

Notice of Submission of Proposed Information Collection to OMB

Proposal: Notice of Funding Availability for 1992—HUD's Grant Program for Lead-Based Paint Abatement in Low and Moderate Income Housing.

Office: Office of Lead-Based Paint Abatement and Poisoning Prevention.

Description of the Need for the Information and its Proposed Use: This information collection is required in connection with the issuance of a Notice of Fund Availability, which announces the availability of $47,700,000 for the abatement of significant lead-based paint and lead dust hazards in low and moderate income owner occupied units and low income rental units.

Form Number: None.

Respondents: State and local governments and Indian Tribes.

Frequency of Submission: One Time Only.

Reporting Burden:

No. of respondents	×	Frequency of response	=	Hours per response	=	Burden hours
Application Development		30		1		50 1,500

Total Estimated Burden Hours: 1,500.
Status: New.
Contact: Ellis G. Goldman, HUD (202) 755–1822. Jennifer Main, OMB (202) 395–6880.
Date: March 4, 1992.

Supporting Statement for Information Collection

The items in the NOFA that impose information collection requirements are attached.

A. Justification

1. The HUD Appropriations Act, Public Law 102–139 directs the Department of Housing and Urban Development to conduct a grant program for state and local governments for the abatement of significant lead-based paint and lead dust hazards in low and moderate income owner occupied units and low income privately-owned rental units. The collection of information from applicants is necessary to determine the most capable grantee in a competitive grant process to be announced in a Notice of Fund Availability (NOFA).

2. The information provided by the applicants will be reviewed and evaluated against the ranking factors contained in the NOFA for possible funding. The applicants will be notified of their selection/rejection. The information is necessary so that the applicants can apply and compete for funding opportunities.

3. The Department has not considered the use of improved technology since there is no other way to obtain the information except directly from the resident groups.

4. There will be no duplication of information.

5. There is no similar information already available which could be used or modified for this propose.

6. Not applicable.

7. The information will be collected on a one-time basis.

8. There are no special circumstances that require the collection to be conducted in a manner which is inconsistent with the guidelines in 5 CFR 1320.6.

9. There has been no outside consultation on this information collection.

10. No assurance of confidentiality is provided.

11. No sensitive questions are asked.

12. The Department estimates that there will not be any additional cost to the Federal Government. The applications will be reviewed in accordance with HUD's existing review requirements. Annual cost of the respondent is estimated to be minimal since the applications submission will be prepared by state and local government personnel already preparing or dealing with such information.

13. The Department estimates that the information requirements of the proposed NOFA will have the following reporting burdens.

No. of respondents	×	Frequency of response	=	Hours per response	=	Burden hours
Application Development		30		1		50 1,500

Total Reporting Burden.....1,500

14. Not Applicable.

15. The Department does not plan to publish the information collected in this NOFA for statistical use.

Exhibit

What follows is an excerpt from the as-yet unpublished Notice of Fund Availability (NOFA) for Lead-Based Paint Abatement in Low- and Moderate-Income Housing.

The NOFA, when published as an invitation to applicants to request funding, will further explain the operations of the program and will specify application due dates. (The application due date will be no less than 30 days after the publication date of the NOFA.)

The excerpt published today is intended only to inform the public about the nature and extent of the information collection requirements that will be associated with the application process.

Project Design Standards and Requirements

Grantees will be afforded considerable latitude in designing and implementing the methods of hazard reduction to be employed in their jurisdiction. HUD is interested in promoting innovative and creative approaches that result in the reduction of this health threat for the maximum number of low- and moderate-income residents, and that demonstrate replicable techniques that are better, faster, less expensive or more effective than current practices. Flexibility will be allowed within the parameters established below. It is critical that procedures for all phases of testing and abatement be clearly established in writing and adhered to by all applicants and their sub-contractors. It is only in this manner that research and evaluation of the cost-effectiveness of the methods employed can be undertaken. Grantees shall be required to collect the data necessary to document the various methods employed in order to determine the relative effectiveness of these methods in reducing lead hazards. Pre- and post-abatement blood testing of children under seven shall be a major determinant of effectiveness. The following is provided to guide applicants.

a. Thresholds for Abatement. While the Department employs two thresholds, one milligram per square centimeter (1 mg/cm^2) or .5 percent by weight, applicants may utilize other thresholds, provided that the alternative threshold, with justification, is accepted by HUD.

b. Surfaces to be Abated. While the Department's Interim Guidelines for Hazard Identification and Abatement in Public and Indian Housing (available from HUD USER, 1–800–245–2692) require the abatement of all interior and

exterior surfaces, the applicant may choose to abate fewer surfaces or apply any other partial abatement techniques, provided that an adequate rationale is established and accepted by HUD.

c. Clean-Up. The applicant may employ post-abatement clean-up procedures that differ from the HUD Interim Guidelines, provided that an adequate justification is established and approved by HUD.

d. Waste Disposal. The Federal Resource Conservation Recovery Act (RCRA) administered by EPA shall govern all waste disposal.

e. Worker Protection. The grantee shall observe the procedures for worker protection established by the Federal Occupational Safety and Health Administration under its general industry lead standard (29 CFR 1910.1025).

f. Relocation. The Department will require adherence to the relocation requirements of the HUD Interim Guidelines, as well as the general Departmental temporary relocation requirements under the Uniform Relocation Assistance and Real Property Acquisition Policy Act of 1970 as amended (URA) implementing resolutions at 49 CFR part 24 and HUD Handbook 1378, Tenant Assistance Relocation and Real Property Acquisition. Under no circumstances shall residents be put at risk by the activities of the grant program.

g. Post-Abatement Clearance. The grantee shall be required to meet the post-abatement wipe test clearance thresholds contained in the HUD Interim Guidelines. Units shall not be reoccupied until clearance levels are achieved.

h. Prohibited Abatement Methods. The only abatement methods that will not be allowed are open-flame burning or machine sanding without HEPA attachments. The grantee is cautioned that methods that generate high levels of lead dust such as abrasive sanding shall be undertaken only with requisite worker protection, containment of dust and debris, and increased clean-up.

Funding Award Process: Compliance With HUD Reform Act

a. Section 103. In accordance with the requirements of section 103 of the Department of Housing and Urban Development Reform Act of 1989 (HUD Reform Act) and HUD's implementing regulations at 24 CFR part 4, no selection information will be made available to applicants or other persons not authorized to receive this information during the period of HUD review and evaluation of applications. However, applicants that are declared ineligible or late will be notified of their ineligibility at the time such determination is made.

1. Documentation and public access. HUD will ensure that documentation and other information regarding each application submitted pursuant to this NOFA are sufficient to indicate the basis upon which assistance was provided or denied. This material, including any letters of support, will be made available for public inspection for a five-year period beginning not less than 30 days after the award of the assistance. Material will be made available in accordance with the Freedom of Information Act (5 U.S.C. 552) and HUD's implementing regulations at 24 CFR part 15. In addition, HUD will include the recipients of assistance pursuant to this NOFA in its quarterly **Federal Register** notice of all recipients of HUD assistance awarded on a competitive basis. (See 24 CFR 12.14(a) and 12.16(b), and the notice published in the **Federal Register** on January 16, 1992 (57 FR 1942), for further information on these requirements.)

The disclosure prohibition of section 103 applies to this a competition for the distribution of the assistance under the HUD Lead Abatement Grant Program. If HUD determines that competition is not necessary because there are sufficient funds to award all projects, then HUD will begin the process of awarding funds to each eligible project.

Noncompetitive individual funding allocations and announcements will be made as funding determinations are completed, through the HUD Regional or Field Offices after notification to Congressional delegations. No information regarding any unfunded application or any competition in any other category will be made available to the public. A list of all awards will be disclosed publicly at the conclusion of the entire selection process.

Ranking Factors

The ranking factors are listed in the order of the maximum number of points to be awarded. HUD reserves the right to fund applicants, if necessary, to assure geographic diversity or to enhance data reliability.

a. Quality of the proposed lead-based paint testing and abatement strategy, including the testing and inspection of pre-1978 housing, blood screening of young children, the abatement program, community education, temporary relocation, and the degree to which the strategy focuses upon high hazard units occupied by low- and moderate-income owners and renters with children under seven. Strategies which promote new or innovative cost-effective methods will be awarded a higher number of quality ranking points than those of otherwise equal quality ranking that propose only conventional testing and abatement techniques. (35 Points)

b. Applicant capacity. The ability of the applicant to successfully initiate and carry out the lead-based paint testing and abatement program. Elements to be considered include: (1) Demonstrated knowledge and experience of the proposed project manager in planning and managing large and complex interdisciplinary programs involving housing rehabilitation, public health, and environmental management; (2) demonstrated knowledge and experience of the staff in carrying out such undertakings; (3) the ability of the applicant to commence testing and abatement activity within 6 months* of the date of grant award and to complete abatement activity within 18 months* of the date of commencement of such activity; (4) the extent of cooperation among the applicant's housing, health and environmental agencies, especially with regard to medical referrals of children with elevated blood-lead levels, and (5) the willingness of the jurisdiction to cooperate fully with any health-related research associated with this grant program. (30 Points)

c. Leveraging. The degree to which the requested grant resources would be leveraged through coordination with other housing and/or health programs from both public and private sources. Funds from other Federal programs will be in included in the analysis of leveraged resources. (15 Points)

d. Matching Share. Amount of local matching funds to be provided either in cash or in-kind contributions, including the cost of blood testing and medical follow-up. A maximum of 15 percent shall be allowed for general administrative costs. Federal resources will be excluded from a computation of local match. (15 Points)

e. Community Participation. The degree to which the applicant proposes to enlist the active participation of community- or neighborhood-based groups or organizations through consultation, employment, or other activities. (5 Points)

f. *Special Ranking Category: Volume Production for Lead-Based Paint Abatement*

*For States having to enact legislative authority and/or to develop institutional capability for certification, the commencement of testing and abatement requirement shall be 12 months and the completion requirement shall be 24 months.

The Department is especially interested in considering new or innovative ways to abate large numbers of units on an expedited basis. The magnitude of the lead-based paint hazard makes it imperative that cost-effective strategies that eliminate or mitigate this hazard in large numbers of units be actively encouraged. It is the Department's expectation that volume production, utilizing similar cost-effective abatement methods and techniques, represents the best opportunity to demonstrate a firm cost basis for particular abatement strategies. Accordingly, HUD encourages applications such as one in which essentially similar housing units in an area are abated with an identical strategy employing a combination of removal, enclosure, and replacement methods, or one in which essentially similar housing units in an area are abated with differentiated strategies, depending upon the condition of the unit, extent of the hazard, and occupant preferences. Accordingly, any proposals that emphasize cost-effective, large scale abatement, i.e., a minimum of 300 units within a 24-month period, will be considered in a separate funding category. Such proposals will be scored on the basis of the above referenced factors (a) through (e) as part of an overall ranking for this category, except that in factor (b) commencement of testing and abatement shall be within 12 months of award and completion of abatement shall be within 24 months of commencement. Because of the potential costs of volume production proposals, a maximum of four grants will be made under this special category.

II. Application Process

A. General

To be considered for funding, the original and three copies of the application must be received at the address set forth at the beginning of this document no later than 5:15 p.m. (Eastern daylight saving time) (date to be specified when NDFA is published.)

B. Application Threshold Requirements

No formal application forms are required for this program. The minimum application content and format requirements are set forth under Section III, "Checklist of Application Submission Requirements."

1. HUD will review each application not determine if it meets all of the threshold criteria contained in this section. Non-responsive applications will be declared ineligible for further consideration. Applications that meet all of the threshold criteria will be eligible to be scored and ranked.

2. Each eligible application will be scored and ranked based on the number of points allocated for each of the ranking factors.

3. Within the dollar resources of the enabling legislation, HUD will fund the final list of highest-ranked applications, but it reserves the right to advance in funding rank other eligible applicants, if necessary, to assure geographic diversity or to enhance data reliability.

4. Eligibility to Receive Assistance. The applicant must demonstrate that it is a State, general unit of local government above 50,000 population, or Indian Tribe.

5. Financial Responsibility. For purposes of this program, HUD has determined that all governmental entities, including Indian Tribes, are deemed to meet the requirements for accounting and financial responsibility. The applicant shall be responsible for the performance of all consortium members, partners, subcontractors, and/or joint venture participants.

6. Legal Authority and Organizational Capacity. Each applicant must demonstrate that it has or will secure within six months of the grant award the legal authority and the organizational capacity to carry out activities associated with this program.* This is essential to assure that all detection and abatement activities are carried out by Federal or State certified persons or entities, as required under the enabling statute. In the absence of existing legislative authority at the time of application, the applicant must provide letters of intent from both the chief executive officer and the legislative body of the State or local government or tribe that such legal authority will be enacted within six months of grant award. If this commitment to secure necessary legal authority and organizational capacity is not fulfilled within the stated time, the grant agreement shall immediately terminate.

7. Additional Assurances. The applicant shall provide written assurances with regard to the following:

(a) All grant funds shall be used to establish programs that primarily assist low- and moderate-income occupants or rental units that serve low-income families or individuals.

(b) Priority shall be given to units constructed before 1978 that are occupied by children under the age of seven and that have deteriorated lead-based-paint and/or excessive levels of dust lead.

(c) Grantees shall conduct dust-wipe testing in all units abated both prior to and after the abatement.

(d) Grantees shall test the blood-level of all children under the age of seven occupying affected units prior to abatement. The grantee must also test affected children at six months and one year after abatement is completed. Abatement of a unit shall not commence until blood-lead tests have been administered to children under the age of seven occupying said unit. Children determined to have elevated blood-lead levels shall be provided appropriate medical treatment.

(e) Grantees shall agree to cooperate with any federally sponsored or endorsed monitoring or evaluation efforts carried out in conjunction with the grantee's lead-based paint activities under this program. This includes providing documentation of all testing, inspection, and abatement.

(f) Grantees shall provide a minimum matching contribution equal to 10 percent of the Federal funds. This may be in the form of cash or in-kind services.

(g) All inspection and abatement work shall be carried out by contractors that have been certified and/or licensed by Federal or State government. In addition, all workers employed by these contractors must be trained in lead-based paint as it affects their specialty through a Federal or State accredited program. To facilitate this, there will be an Ad Hoc Federal Certification Advisory Committee whose principal mission shall be to assist States instituting new or revised certification programs.

(h) All units abated under this program shall continue to be occupied by low- and moderate-income residents.

(i) Maintenance of effort. Assistance provided under this grant program may not be used to supplant other resources provided for or available to the proposed project. For purposes of this clause, "other resources" means resources provided from any source other than the HUD Office of Lead-Based Paint Abatement and Poisoning Prevention.

III. Checklist of Application Submission Requirements

Each Application Must Include a Table of Contents Indicating the Location of Information That Addresses threshold Criteria and Ranking Factors.

A. Applicant Data

1. The application shall include the name, mailing address, telephone number, and contact person of the

*Twelve months for States.

applicant. If the applicant has consortium associates, partners, major subcontractors and/or joint venture participants, similar information shall be provided for each of them.

2. The applicant must demonstrate that it has the authority and capability to carry out activities associated with this program, or the applicant must provide letters of intent from both the chief executive officer and responsibile members of the legislative body that such legal authority and capability will be provided within six months of grant award.*

3. The application must include evidence of the applicant's commitment to eliminating significant lead-based paint hazards in housing.

4. The application must contain evidence of a continuing capacity of the applicant to effectively undertake a lead-based paint testing and abatement program.

B. Proposed Activities

1. Affected population to be served. The applicant must describe the size and general characteristics of the pre-1978 housing stock within its jurisdiction, including a description of its location, condition, and occupants, and a current estimate of the number of children in these units under the age of seven. Maps should be included. In addition, the applicant should provide information on the number of children diagnosed as being lead poisoned within the previous five years and the remedial measures taken to respond to these diagnoses.

2. A description of the proposed lead-based paint activities to be conducted including:

(a) Overall strategy, including priority setting

(b) Specific neighborhood, area, community or other locator of the housing units targeted for abatement; area and local maps should be included

(c) Inspection and testing of housing

(d) Blood testing of children under the age of seven and medical referral for children found to have elevated blood-lead levels.

(e) Abatement methods.

(f) Community education.

(g) Relocation.

(h) Coordination with public health and housing programs.

(i) Data collection and documentation.

(j) Proposed mechanisms that the grantee will employ to provide financial assistance for abatement under this grant program to low- and moderate-income owners and renters.

(k) Proposed schedule for the start and completion of each set of project activities

(l) Proposed schedule of funds to be released (percent of total grant or specific dollar amount) upon completion of each project activity, including up to ten (10) percent for startup activities and not less than fifteen (15) percent upon completion of all activities and delivery of final report summarizing the activities and findings of the project.

[FR Doc. 92-5741 Filed 3-11-92; 8:45 am]

BILLING CODE 4210-01-M

[Docket No. D-92-930]

Office of the Manager, Newark Office; Designation

AGENCY: Department of Housing and Urban Development.

ACTION: Designation of order of succession.

SUMMARY: The Acting office Manager is designating officials who may serve as Acting Office Manager during the absence, disability, or vacancy in the position of the Acting Office Manager.

EFFECTIVE DATE: This designation is effective March 2, 1992.

FOR FURTHER INFORMATION CONTACT: Lisa Surplus, Director, Administrative and Management Services Division, Office of Administration, New York Regional Office, Department of Housing and Urban Development, 26 Federal Plaza, New York, New York 10278, telephone (212) 264-2761. (This is not a toll-free number.)

Designation

Each of the officials appointed to or designated as Acting in the following positions is designated to serve as Acting Office Manager during the absence, disability, or vacancy in the position of the Acting Office Manager, with all powers, functions, and duties redelegated or assigned to the Acting Office Manager: *Provided,* That no official is authorized to serve as Acting Office Manager unless all preceding listed officials in this designation are unavailable to act by reason of absence, disability, or vacancy in the position:

1. Deputy Manager.
2. Director, Community Planning and Development Division.
3. Director, Housing Development Division.
4. Director, Housing Management Division.
5. Director, Public Housing Division.
6. Chief Counsel.
7. Director, Fair Housing and Equal Opportunity Division.

The designation supersedes the designation effective February 7, 1985.

Authority: Delegation of Authority, 27 FR 4319 (1962); section 7(d), Department of Housing and Urban Development Act, 42 U.S.C. 3535(D); and Interim Order II, 31 FR 815 (1966).

Dated: March 2, 1992.

Anthony M. Villane, Jr.,

Regional Administrator, Regional Housing Commissioner, Region II.

[FR Doc. 92-5743 Filed 3-11-92; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[G010-4333-12/G2-0108]

Albuquerque District, New Mexico

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of seasonal closure on approximately 15 miles of the Rio Grande in north-central New Mexico to boating use.

SUMMARY: Notice is hereby given that a seasonal closure will be applied to boating use on approximately 15 miles of the Rio Grande from the Colorado/New Mexico State line in Section 24, T. 32 N., R. 11 E., to Lee's Trail in the NE¼NE¼ of Section 30, T. 30 N., R. 12 E. The closure made under the authority of 43 CFR 8364.1 will provide habitat protection and privacy for several raptor species. A copy of the closure order will be posted at the Bureau of Land Management Office in Alamosa, Colorado and Taos, New Mexico and at points of public access to the 15 miles of the Rio Grande.

Under the authority and requirements of 43 CFR 8364.1, the public lands and related waters as described above would be closed to boating use except for emergency water craft. BLM, other Federal, State or local agency water craft in performance of an official duty and other water craft on official business specifically approved by the Taos Area Manager of the Bureau of Land Management.

Any person who fails to comply with this closure order may be subject to the penalties provided by 43 CFR 8360.0-7 which include a fine not to exceed $1,000 and/or imprisonment not to exceed 12 months.

DATES: This seasonal closure order is in effect from April 1 to May 31 annually and shall remain in effect unless revised, revoked or amended.

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* Twelve months for States.

ADDRESSES: Copies of this order are available from the Bureau of Land Management, Taos Resource Area Office, 224 Cruz Alta Road, Taos, New Mexico 87571. Maps of the affected area are available for public inspection at the Bureau of Land Management Offices in Alamosa, Colorado, 1921 State Avenue, and in Taos, New Mexico, 224 Cruz Alta Road.

FOR FURTHER INFORMATION CONTACT: Sam DesGeorges, Wildlife Biologist or Tom Mottl, River Manager, Bureau of Land Management, Taos Resource Area, 224 Cruz Alta Road, Taos, New Mexico 87571, Phone (505) 758–8851.

SUPPLEMENTARY INFORMATION: Over the past eight years, boating use has been suspected of harming the success of raptors nesting within the confines of the length of the Rio Grande Canyon. A temporary closure was placed on the above section from April 1 through May 31 in 1991, while a study was initiated to determine if the closure would be effective. Since the results of the study over one season of use were inconclusive, the closure is being reissued to accommodate the need for additional studies. This may require up to three years while experiments are carried out on the interaction between boating and wildlife. The results of these studies may allow for a modification of the closure order or other forms of restricted access such as a permit system to limit the number of boats, people or trips per unit of time.

Dated: March 4, 1992.

Patricia E. McLean,

Associate District Manager.

[FR Doc. 92–5800 Filed 3–11–92; 8:45 am]

BILLING CODE 4310–FB–M

[OR–123–02–6334–10; GP–109]

Closures and Restrictions

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Notice of closures and restrictions, Dean Creek Elk Viewing Area.

SUMMARY: Pursuant to 43 CFR part 8364, the BLM will close designated areas of the Dean Creek Elk Viewing Area to the public. Subject to valid existing rights, use of 1,033 acres of Dean Creek Elk Viewing Area outside of designated parking areas, viewing areas or interpretive trails by foot, automobile, or off-road motorized vehicles is prohibited. This Closure shall apply year round. Hunting, shooting firearms, and igniting fireworks or other explosive devices is prohibited. Vehicular parking, for a period of more than twelve hours in a twenty four hour period is prohibited. Designated public use areas will be open from dawn to dusk, overnight use is prohibited. Any Bureau of Land Management, Oregon Department of Fish and Wildlife, employee, agent, contractor or cooperator, while in the performance of official duties are exempt from this closure. Either agency may authorize volunteers, or other parties to enter Dean Creek for administrative, maintenance or other authorized purposes.

The pastures at the Dean Creek Elk Viewing Area support a large herd of resident Roosevelt elk that are highly visible from the highway. The purpose of this closure and restriction notice is to provide a means by which the Secretary of the Interior through the Bureau of Land Management, may control and manage public use of the area to effectively carry out management objectives and provide wildlife with habitat that is free from public disturbance or harassment. The area is designated as a watchable wildlife site; the closure will also provide for public safety by designating sale viewing areas with greater opportunities to view wildlife.

The closed area is depicted on a Dean Creek Elk Viewing Area Map. The map and copies of this closure and restriction notice are available from the Coos Bay District Office, Bureau of Land Management, 1300 Airport Lane, North Bend, Oregon 97459.

This closure and restriction order is effective immediately and shall remain in effect until revised, revoked or amended by the authorized officer pursuant to 43 CFR 8360.

Any person who violates this closure and restriction notice may be subject to a maximum fine of $1,000 and/or imprisonment not to exceed 12 months under authority of 43 CFR 8360.0–7.

Closed Areas

Dean Creek Elk Viewing Area is located approximately 3 miles east of Reedsport, Oregon, adjacent to Oregon State Highway 38 and is further described as follows:

Township 21 South, Range 11 West, Willamette Meridian

Sec. 31 M & B within lot 4 So. of Hwy 38
Sec. 32 M & B within lots 5, 6, 7 and 8
Sec. 33 M & B within S½SW¼, SW¼SE¼ So. of Hwy 38, SE¼SE¼, lot 8
Sec. 34 lots 5 and 6

Township 22 South, Range 11 West, Willamette Meridian

Sec. 3 lot 15, M & B within lot 14
Sec. 4 NW¼, W½NE¼, NE¼NE¼, M & B SE¼NE¼
Sec. 5 W½NE¼, N½NW¼, W½NW¼, SW¼NW¼
Sec. 6 SE¼NE¼, M & B within NE¼, lots 1, 2 and 3.

All south of Oregon State Highway 38.

FOR FURTHER INFORMATION CONTACT: Kathy Jo Wall, Natural Resource Specialist, Umpqua Resource Area, Coos Bay District, Bureau of Land Management, 1300 Airport Lane, North Bend, Oregon 97459 (telephone 503/756/0100).

Terry A. Richards,

Umpqua Area Manager.

[FR Doc. 92–5796 Filed 3–11–92; 8:45 am]

BILLING CODE 6334–10–M

[UT–050–4333–12–241A]

Emergency Closure and Restrictions on Public Land

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of closure and restriction on public land.

SUMMARY: Notice is hereby given of limited closure to off-highway vehicles effective April 15, 1992, of all public lands within the Yuba Reservoir Special Recreation Management Area (SRMA). This closure also includes an area within 300 yards of the state parks living quarters and maintenance area. The area west of old U.S. Highway 91 to the top of the ridge is excepted from this closure during daylight hours. The excepted area will also be closed between the hours of 10 p.m. and 6 a.m. daily. Off-highway vehicles include, motorcycles, dunebuggies, and all-terrain vehicles as defined in 41–22–2 of title 41, chapter 22, Utah Code Annotated 1953 As Amended. Personnel that are exempt from the area limitation include any Federal, State, or local officer, or member of any organized rescue or fire-fighting force in the performance of an official duty, or any person authorized by the Bureau.

The SRMA contains approximately 15,940 acres of which 13,900 lie within Juab County and 2,040 in Sanpete County. The closed area contains approximately 14,850 acres and the area open during daytime hours contains approximately 1,090 acres. For additional information, maps are available upon request at the House Range Resource Area Office in Fillmore, Sevier River Resource Area and Richfield District Office located in Richfield, Utah.

The objectives of this closure are to provide a safe, enjoyable, water oriented, outdoor recreation environment; to protect the archaeological, watershed and visual

resources that surround the reservoir; and to eliminate the operation of off-highway vehicles on and near the beaches where they have become a significant safety hazard.

The authority for this closure is 43 CFR 8341.2. The impacts of making this closure permanent will be reviewed in an environmental assessment that will also analyze the impacts of implementing the Yuba Reservoir Recreation Area Management Plan. The House Range Resource Management Plan will be amended to show the closure if the decision is to permanently close the area.

PENALTIES: Violators are subject to fines not to exceed $1,000 and/or imprisonment not to exceed 12 months.

FOR FURTHER INFORMATION CONTACT: Rex Rowley, House Range Resource Area Manager, P.O. Box 778, Fillmore, UT 84631 or phone 801–743–6811.

Dated: March 4, 1992.

Jerry Goodman,

District Manager.

[FR Doc. 92–5795 Filed 3–11–92; 8:45 am]

BILLING CODE 4310–DQ–M

[WY–030–92–4111–16]

Notice of Intent To Prepare an Environmental Impact Statement for the Proposed Development of a Natural Gas Field, WY

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of intent to prepare an Environmental Impact Statement (EIS) on the proposed development of a natural gas field in south-central Wyoming.

SUMMARY: Pursuant to Section 102(2)(C) of the National Environmental Policy Act (NEPA) of 1969 as amended, the Bureau of Land Management, Great Divide Resource Area, will be directing the preparation of an EIS to be prepared by a third party contractor on the potential impacts of the proposed development of a natural gas filed—the Mulligan Draw Project—on public and private lands in Sweetwater County, Wyoming.

DATES: Comments on the scoping process will be accepted through March 23, 1992.

ADDRESSES: Comments should be sent to Area Manager, Bureau of Land Management, Great Divide Resource Area, P.O. Box 670, Rawlins, WY 82301, Attn: Mulligan Draw Project.

FOR FURTHER INFORMATION CONTACT: For further information contact either Bob Tigner at the Rawlins District Office, phone number (307) 324–7171 or John Husband at the Great Divide Resource Area, phone number (307) 324–4841.

SUPPLEMENTARY INFORMATION: Celsius Energy Company (Celsius) has notified the Bureau of Land Management (BLM) Great Divide Resource Area, that the company and other operators intend to drill exploratory and development wells in the Mulligan Draw Area, Sweetwater County, Wyoming. The proposed Mulligan Draw Area Natural Gas Field Development (the Mulligan Draw Project), entails the drilling, completion, and operation of a natural gas field in southeastern Sweetwater County. The proposed project would use standard procedures as currently used in other similar gas field developments throughout Wyoming and the surrounding region.

The Mulligan Draw Project lies within portions of Townships 14, 15, and 16 North, Ranges 94, 95, and 96 West, approximately 20 miles south of Wamsutter and 25 miles northwest of Baggs. Access to the area is south from Wamsutter or north from Baggs along improved roads currently used for access to existing wells in and adjacent to the Mulligan Draw Project Area. The approximately 47,300-acre study area encompasses lands proposed for development and a 0.5 to 2.0-mile buffer around the well sites. The Mulligan Draw Project Area consists of Federal (37,400 acres), state (3,200 acres), and private (6,700 acres) lands. Approximately 70 percent of the area is in the Great Divide Resource area and the remaining portion, in the northwest corner of the area, is in the Green River Resource Area. The Mulligan Draw Project Area presently contains one well that produces natural gas from the Almond Formation, two wells nearing completion, and one well being drilled. Applications for Permit to Drill (APDs) for two additional exploration/production wells have been approved and these two wells should be drilled within the next two months.

Definitive prediction of total wells and timing of drilling is not possible; however, for purposes of the environmental analysis, Celsius anticipates that, assuming positive results of future drilling, an additional 42 wells could be drilled within the Mulligan Draw Study Area (45 total wells). The total number of wells drilled within the study area could increase or decrease based on results of future drilling and testing. Prudent development of the Almond formation would occur on 640 acre spacing. If additional wells were proposed on closer spacing in the future, they would be analyzed in accordance with NEPA.

Full field development of 45 wells will require the construction of approximately 34 miles of new road in addition to the 23 miles of existing roads. Some of the existing roads would be improved to meet standards. The gas produced will be transported by existing pipelines, new pipelines, and new gathering lines with hook-ups to two interstate pipelines in the area. Approximately four miles of pipeline is currently present in the study area, and approximately 41 additional miles of pipeline will be needed for the proposed project.

It is anticipated that full field development would take several years; however, as many wells as possible (i.e., 8 to 15) will be drilled early in the project to take advantage of tax credits for developing nonconventional sources. Construction of road and pipelines would occur concurrently with drilling. The potential drilling schedule could initially require two to three rigs. During peak periods, a fourth or fifth rig may be required to maintain the drilling schedule. Although some level of activity will be continual, peak drilling and construction activities will be scheduled for summer and fall. The productive life of the project is expected to be approximately 30 years, after which facilities will be removed or abandoned and the area reclaimed.

The portion of the proposed project in the Great Divide Resource Area will occur within the area covered by the EIS for the Great Divide Resource Management Plan (RMP). The RMP and EIS for the Green River Resource Area are presently under development; the Salt Wells Management Framework Plan (MFP) and Big Sandy/Salt Wells EA are the current land use and NEPA documents for the portion of the study area within the Green River Resource Area. The development of oil and gas within the area is in conformance with the existing land use plans. The environmental study that will be prepared on the Mulligan Draw Project will be tiered to and incorporate appropriate decisions, terms, and conditions of use described in the existing environment analyses.

Use authorizations (i.e., rights-of-way, permits, etc.) for roads, powerlines, pipelines, and well site facilities would be processed through the usual Application for Permit to Drill (APD) and Sundry Notice permitting processes as long as the facilities remain on-lease

and are owned and operated by the unit operator. Any facility located off-lease would require individual rights-of-way and surface use permits. APDs will be required for each well on public lands or public mineral estate and all such wells and facility applications will be reviewed to ensure site-specific NEPA compliance.

Some leases within the proposed development area include special stipulations on occupancy. These are in addition to the standard lease terms and are designed to protect surface resources such as soils, water, and wildlife by restricting periods of activity and areas of disturbance.

An Interdisciplinary Team (IDT) of resource specialists will be involved in the analysis of potential impacts resulting from the proposed action and no action alternatives. The IDT includes wildlife, cultural resources, soils, watershed, range, surface protection, hydrology, geology, recreation, visual, lands, and engineering specialists. Additional team specialists may be added based on review of comments received during the scoping process or additional issues identified during development of the document.

The Bureau of Land Management encourages public input throughout the environmental analysis process. Scoping for the EIS will include the identification of issues to be addressed and notifying interested groups, individuals, and agencies to further define these issues and obtain additional information. The scoping process will consist of letters inviting participation in the process and a scoping statement documenting the proposed action and significant issues being considered. The scoping statement will be distributed to interested parties and is available upon request. News releases announcing the start of the EIS process will also be distributed to local and regional media.

The tentative project schedule is as follows:

Initiate Scoping—November 1991.
Draft EIS Available and Start of Public Comment Period—March 1992.
Public Meeting—April 1992.
File final EIS—June 1992.
Record of Decision—July 1992.
Project Initiation—July 1991.

Dated: March 5, 1991.

Ray Brubaker,

State Director, Wyoming.

[FR Doc. 92-5780 Filed 3-11-92; 8:45 am]

BILLING CODE 4310-22-M

[WY-030-92-4111-16]

Intent to Prepare an Environmental Impact Statement for the Proposed Development of a Coalbed Methane Gas Field, Wyoming

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Intent to prepare an Environmental Impact Statement (EIS) on the proposed development of a coalbed methane gas field in south-central Wyoming.

SUMMARY: Pursuant to section 102(2)(c) of the National Environmental Policy Act (NEPAP) of 1969 as amended, the Bureau of Land Management, Great Divide Resource Area, will be directing the preparation of an EIS to be prepared by a third party contractor on the potential impacts of the proposed development of a coalbed methane gas field—the MetFuel Hanna Basin Coalbed Methane Project—on public and private lands in Carbon County, Wyoming.

DATES: Written comments will be accepted until March 23, 1992.

ADDRESSES: Comments should be sent to Area Manager, Bureau of Land Management, Great Divide Research Area, P.O. Box 670, Rawlins, WY 82301, attn: MetFuel Hanna Basin Coalbed Methane Project.

FOR FURTHER INFORMATION CONTACT: For further information contact either Bob Tigner at the Rawlins District Office, phone number (307) 324-7171 or John Husband at the Great Divide Resource Area, phone number (307) 324-4841.

SUPPLEMENTARY INFORMATION: MetFuel, Inc. (MetFuel) has notified the Bureau of Land Management, Great Divide Resource Area that, if feasible, the company proposes to drill approximately 100 to 130 coalbed methane wells on approximately 28,800 acres of private and public land (17,950 acres private; 10,310 acres Federal; and 640 acres State) in the Hanna Basin of Carbon County, Wyoming. The area is approximately 55 miles northeast of Rawlins, Wyoming, and access to the area would be from U.S. Highway 30/287 to Hanna and north along Carbon County Road 291.

The proposed development area presently contains two exploration wells, and four more permitted evaluation wells will be drilled before March 1, 1992. Decisions regarding full field development (potentially 4 wells/section) would be based upon the productivity achieved from the four new wells. The two existing exploration wells show good methane recovery potential. Water produced from these wells will be disposed of in unlined pits located at each well pad.

The intent of the project is to recover methane gas reserves from non-minable deep coalbeds in the Hanna Basin. Gas would be collected in new pipelines and transported from the area through existing interstate pipelines located south of the gas field. If feasible, field development (drilling and construction) will begin in July 1992. Drilling will likely be completed in 1993. All construction and drilling activities would adhere to Wyoming Oil and Gas Conservation Commission and BLM guidelines. The project will be conducted to avoid construction and drilling in areas containing critical resources during crucial periods (i.e., raptor nests, sage grouse leks, crucial big game winter range). In addition to drilling activities, production facilities, roads, powerlines and pipelines would also be constructed. The total disturbance area would be approximately 490 to 600 acres (125-163 acres for well pads, 365-437 acres for roads, pipelines, powerlines, and ancillary facilities), approximately two percent of the project areas.

During construction and drilling phases, the proposed project would require from five to ten drilling rigs and employ approximately 75-150 individuals, while during production operations phases, the number of employees would be 25-30. The anticipated life of the field is approximately 25 years.

The proposed development would occur within the area covered by the EIS for the Great Divide Resource Management Plan (RMP). The environmental analysis that would be prepared for the proposal would be tiered to the Great Divide RMP/EIS. The analysis would incorporate appropriate materials and discussions from the RMP/EIS as they pertain to the Hanna Basin area. Management prescriptions for the resources present on public lands in the project area have been specified in the RMP. All minerals actions will comply with established goals, objectives, and resource restrictions (mitigations) required to protect natural resource values in the planning area.

Use authorizations (i.e., rights-of-way, permits, etc.) for roads, pipelines, and well site facilities would be processed through usual Application for Permit to Drill (APD) and Sundry Notice processes for facilities located on existing leases. All facilities located off existing leases would require individual rights-of-way and surface use permits. APD's will be required for each well on public lands or

public mineral estates, and all such wells and facility applications will be reviewed to ensure site specific NEPA compliance. Additionally, some leases within the proposed development area include special stipulations on occupancy and are designed to protect surface resources such as soils; water, and wildlife by restricting periods of activity and areas of disturbance.

An Interdisciplinary Team (IDT) of resource specialists will be involved in the analysis of potential environmental impacts resulting from the proposed action. The IDT will include wildlife, cultural resources, soils and watershed, range, surface protection, hydrology and geology, recreation, visual, lands, and engineering specialists. Additional team specialists may be added based upon final review of public, State, and other Federal agency comments received during the scoping process.

A no-action alternative will be analyzed in the EIS. Items to be considered for analyses within the proposed action and no-action alternatives include, but are not limited to: (1) Well pad, road, pipeline, and powerline locations; (2) threatened and endangered species, (3) crucial wildlife habitats; (4) surface and ground water quality and quantity; (5) erosional stability; (6) cultural resources, and; (7) socioeconomic.

The Bureau of Land Management encourages public input throughout the environmental analysis process. Scoping for the EIS will include the identification of issues to be addressed and notifying interested groups, individuals, and agencies to further define these issues and obtain additional information. The scoping process will consist of letters inviting participation in the scoping process and a scoping statement clarifying the proposed action and significant issues being considered distributed to interested parties and available upon request. News releases announcing the start of the EIS process will also be distributed to various local and regional media.

The tentative project schedule is as follows:

Initiate Scoping—January 1992.
Draft EIS Available and Start of Public Comment Period—Early April 1992.
Public Meeting—Late April 1992.
File final EIS—Mid-June 1992.
Record of Decision—Mid-July 1992.
Project Initiation—Mid-July 1992.

Dated: March 5, 1992.

Ray Brubaker,

State Director, Wyoming.

[FR Doc. 92-5779 Filed 3-11-92; 8:45 am]

BILLING CODE 4310-22-M

[UT-040-02-4830-12]

Cedar City District Advisory Council Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Meeting of the Cedar City District Advisory Council.

SUMMARY: Notice is hereby given in accordance with Public Law 92-463 of a meeting of the Cedar City District Advisory Council. The agenda will be an orientation by program leaders and Area Managers for the newly appointed Council members, and election of officers. The orientation will highlight major program issues in the Division of Lands and Renewable Resources, and the four Resource Areas which will include the Dixie and Kanab/Escalante Resource Management Plans, resource area boundaries, and volunteer projects.

DATES: April 16, 1992. The meeting will begin at 9:30 a.m. in the Cedar City District Office, 176 East D.L. Sargent Drive, Cedar City, Utah.

FOR FURTHER INFORMATION CONTACT: Gordon R. Staker, District Manager, Cedar City District, 176 D.L. Sargent Drive, Cedar City, Utah 84720. Telephone: 801-586-2401.

SUPPLEMENTARY INFORMATION: Advisory Council meetings are open to the public. Interested persons may make oral statements or file written statements for the Board's consideration. Anyone wishing to make a statement notify the District Manager or the Public Affairs Officer by Tuesday, April 14, 1992. A time limit may be established by the District Manager.

Dated: March 2, 1992.

Gordon R. Staker,

District Manager.

[FR Doc. 92-5801 Filed 3-11-92; 8:45 am]

BILLING CODE 4310-DQ-M

Grazing Advisory Board; Meeting

AGENCY: Bureau of Land Management, Susanville District Grazing Advisory Board, Susanville, CA.

ACTION: Notice of meeting.

SUMMARY: Notice is hereby given that the Susanville District Grazing Advisory Board, created under the Secretary of Interior's discretionary authority on May 14, 1986, will meet on April 22, 1992.

The April 22 meeting will begin at 10 a.m. at the Alturas Resources Area Office, Bureau of Land Management, 608 W. 12th Street, Alturas, California.

The meeting will consist of a review of base property leases and livestock control agreements of permittees using lands governed by section 3 of the Taylor Grazing Act, in allotments with Allotment Management Plans, in the Susanville District.

The meeting is open to the public.

Summary minutes of the Board Meeting will be maintained in the District Office, and will be available for public inspection and reproduction (during regular business hours) within 30 days following the meeting.

Robert J. Sherve,

Associate District Manager.

[FR Doc. 92-5806 Filed 3-11-92; 8:45 am]

BILLING CODE 4310-40-M

[WY-920-41-5700; WYW106364]

Notice of Proposed Reinstatement of Terminated Oil and Gas Lease

March 5, 1992.

Pursuant to the provisions of 30 U.S.C. 188(d), and 43 CFR 3108.2-3 (a) and (b)(1), a petition for reinstatement of oil and gas lease WYW106364 for lands in Sweetwater County, Wyoming, was timely filed and was accompanied by all the required rentals accruing from the date of termination.

The lessee has agreed to the amended lease terms for rentals and royalties at rates of $10.00 per acre, or fraction thereof, per year and 16⅔ percent, respectively.

The lessee has paid the required $500 administrative fee and $125 to reimburse the Department for the cost of this **Federal Register** notice. The lessee has met all the requirements for reinstatement of the lease as set out in Section 31 (d) and (e) of the Mineral Lands Leasing Act of 1920 (30 U.S.C. 188), and the Bureau of Land Management is proposing to reinstate lease WYW106364 effective November 1, 1991, subject to the original terms and conditions of the lease and the increased rental and royalty rates cited above.

Pamela J. Lewis,

Supervisory Land Law Examiner.

FR Doc. 92-5799 Filed 3-11-92; 8:45 am]

BILLING CODE 4310-22-M

[WY-920-41-5700; WYW103561]

Notice of Proposed Reinstatement of Terminated Oil and Gas Lease

March 5, 1992.

Pursuant to the provisions of Public Law 97-451, 96 Stat. 2462-2466, and Regulation 43 CFR 3108.2-3 (a) and (b)(1), a petition for reinstatement of oil and gas lease WYW103561 for lands in Washakie County, Wyoming, was

timely filed and was accompanied by all the required rentals accruing from the date of termination.

The lessee has agreed to the amended lease terms for rentals and royalties at rates of $5 per acre, or fraction thereof, per year and 16⅔ percent, respectively.

The lessee has paid the required $500 administrative fee and $125 to reimburse the Department for the cost of this Federal Register notice. The lessee has met all the requirements for reinstatement of the lease as set out in section 31 (d) and (e) of the Mineral Lands Leasing Act of 1920 (30 U.S.C. 188), and the Bureau of Land Management is proposing to reinstate lease WYW103561 effective August 1, 1991, subject to the original terms and conditions of the lease and the increased rental and royalty rates cited above.

Theresa M. Stevens,

Acting Supervisory Land Law Examiner.

[FR Doc. 92-5796 Filed 3-11-92; 8:45 am]

BILLING CODE 4310-22-M

[AZ-920-02-4212-13-; AZA-22792-B]

Arizona; Exchange of Public and Private Lands in Pinal and Yavapai Counties; Correction

March 2, 1992.

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Correction in Agency Administration.

SUMMARY: This notice corrects the agency administration for a certain parcel of land in the exchange notice previously published in the Federal Register, February 17, 1989, (54 FR 7286). The following described land lies within and is a part of the Tonto National Forest; administered by the National Forest Service and subject to all the laws, rules, and applicable regulations.

Gila and Salt River Meridian, Arizona

T. 10 N., R. 4 E.,
Sec. 34, Exchange Survey 667.

The survey contains 60.03 acres.

There is no change in the agency administration of the remaining lands, which is the Bureau of Land Management.

FOR FURTHER INFORMATION CONTACT: Laura Wood, Arizona State Office, P.O. Box 16563, Phoenix, Arizona 85011. Telephone (602) 640-5534.

Mary Jo Yoas,

Chief, Branch of Lands Operations.

[FR Doc. 92-5797 Filed 3-11-92; 8:45 am]

BILLING CODE 4310-32-M

[ES-030-2-4212-18]

Realty Action; Sale of Public Land in Aitkin County, MN

AGENCY: U.S. Department of the Interior, Bureau of Land Management.

ACTION: Realty action noncompetitive sale.

SUMMARY: The following land has been found suitable for direct sale under section 205 of the Minnesota Public Lands Improvement Act of 1990 (104 Stat. 1019) at the estimated fair market value less equities presented by the applicant. The land will not be offered for sale until at least 60 days after the date of this notice.

Fourth Principal Meridian,

T.46N., R.27W.,
Sec. 7. Tract #37.
Containing approximately 0.23 acres.

The land described is hereby segregated from appropriation under the public land laws, including the mining laws, pending disposition of this action or 270 days from the date of publication of this notice, whichever occurs first.

This land is being offered by direct sale to Anne P. Hauge. It has been determined that the subject parcel contains no known mineral values; therefore, mineral interest may be conveyed simultaneously. Acceptance of the direct sale offer will qualify the purchaser to make application for conveyance of those mineral interests under section 209 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2750, 43 U.S.C. 1713).

The patent, when issued, will contain certain reservations to the United States. Detailed information concerning these reservations as well as specific conditions of the sale are available for review at the Milwaukee District Office, Bureau of Land Management, 310 West Wisconsin Avenue, suite 225, Milwaukee, Wisconsin 53203.

DATES: On or before April 27, 1992, interested parties may submit comments to the District Manager, Milwaukee District, at the above address. In the absence of timely objections, this proposal shall become the final determination of the Department of the Interior.

FOR FURTHER INFORMATION CONTACT: Detailed information concerning this sale is available at the Milwaukee District Office, Bureau of Land Management, 310 West Wisconsin Avenue, Suites 225, Milwaukee, Wisconsin 53203 or by calling Larry Johnson at 414-297-4413.

Gary D. Bauer,

District Manager.

[FR Doc. 92-4496 Filed 3-11-92; 8:45 am]

BILLING CODE 4310-GJ-M

[NV-930-92-4212-11; N-55370 et al.]

Realty Action; Lease/Purchase for Recreation and Public Purposes Clark County, NV

The following described public land in Las Vegas, Clark County, Nevada has been identified and examined and will be classified as suitable for lease/purchase under the Recreation and Public Purposes Act, as amended (43 U.S.C. 869 et seq.). The lands will not be offered for lease/purchase until at least 60 days after the date of publication of this notice in the Federal Register.

Mount Diablo Meridian, Nevada

Serial No.	Legal description	Acres	Purpose
	T. 19 S., R. 60 E.,		
N-52822	Sec. 18, SW¼SE¼NW¼, E½SE¼SW¼NW¼	15	Elementary school.
N-52821	Sec. 32, W½SW¼NE¼NE¼, SE¼NW¼NE¼	15	Elementary school.
	T. 19 S., R. 61 E.,		
N-52824	Sec. 22, SE¼NW¼, SW¼NE¼, NW¼SE¼	120	Elementary complex.
	T. 20 S., R. 60 E.,		
N-41567-04	Sec. 5, S½NE¼NW¼SE¼, N½SE¼NW¼SE¼	10	Elementary school.
N-41565-07	Sec. 27, SW¼NE¼NW¼	10	Elementary school.
	T. 21 S., R. 60 E.,		
N-41569-16	Sec. 19, SW¼NE¼SW¼	10	Elementary school.
N-41566-07	Sec. 29, N½SW¼SE¼	20	Jr. high school.
N-41569-18	Sec. 29, NW¼SE¼SW¼	10	Elementary school.
N-52823	Sec. 29, W½SE¼NE¼NW¼, SW¼NE¼NW¼	15	Elementary school.

Serial No.	Legal description	Acres	Purpose
N-41568-11	Sec. 30, S½NE¼SW¼	20	Jr. high school.
	T. 22 S., R. 60 E.,		
N-41569-11	Sec. 11, E½SW¼NW¼NE¼, W½SE¼NW¼NE¼	10	Elementary school.
N-41566-14	Sec. 15, S½NE¼NE¼	20	Jr. high school.
N-41567-02	Sec. 16, NW¼SE¼SW¼	10	Elementary school.
	T. 22 S., R. 61 E.,		
N-55370	Sec. 14, NE¼NE¼SW¼, N½SE¼NE¼SW¼, W½SE¼SE¼NE¼SW¼, SW¼SE¼NE¼SW¼.	16.75	Elementary school.
N-41566-04	Sec. 20, NE¼SW¼NW¼	10	Elementary school.
N-54882	Sec. 26, N½NW¼SE¼, NW¼NE¼SE¼	30	Jr. high school.
N-54883	Sec. 27, NW¼NE¼NE¼, N½SW¼NE¼NE¼, NE¼SE¼NW¼NE¼, E½ NE¼NW¼NE¼.	22.5	Jr. high school.
	T. 23 S. R. 62 E.,		
N-54046	Sec. 6, NW¼NE¼NE¼	10	Elementary school.

The Clark County School District intends to use the land for school sites. The lease and/or patent when issued will be subject to the provisions of the Recreation and Public Purposes Act and applicable regulations of the Secretary of the Interior, and will contain the following reservations to the United States:

1. The right-of-way thereon for ditches and canals constructed by the authority of the United States, Act of August 30, 1890, 26 Stat. 391, 43 U.S.C. 945.

2. All minerals shall be reserved to the United States, together with the right to prospect for, mine and remove such deposits from the same under applicable law and such regulations as the Secretary of the Interior may prescribe.

and will be subject to:

1. An easement for streets, roads and public utilities in accordance with the transportation plan for Clark County/ the City of Las Vegas.

2. All valid and existing rights.

The land is not required for any federal purpose. The lease/purchase is consistent with the Bureau's planning for this area.

Detailed information concerning this action is available for review at the office of the Bureau of Land Management, Las Vegas District, 4765 W. Vegas Drive, Las Vegas, Nevada.

Upon publication of this notice in the **Federal Register** the above described land will be segregated from all forms of appropriation under the public land laws, including the general mining laws, except for recreation and public purposes and leasing under the mineral leasing laws.

For a period of 45 days from the date of publication of this notice in the **Federal Register**, interested parties may submit comments to the District Manager, Las Vegas District, P.O. Box 26569, Las Vegas, Nevada 89126. Any adverse comments will be reviewed by the State Director.

In the absence of any adverse comments, the classification of the lands described in this Notice will become effective 60 days from the date of publication in the **Federal Register**.

Dated: March 2, 1992.

Ben F. Collins,

District Manager, Las Vegas, NV.

[FR Doc. 92-5729 Filed 3-11-92; 8:45 am]

BILLING CODE 4310-HC-M

[CO-932-4214-10; COC-0124534]

Proposed Extension of Withdrawal; Opportunity for Public Meeting; Colorado

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The Bureau of Land Management proposes to extend Public Land Order No. 6649, which withdrew public lands and public minerals for protection of the Fort Carson-Pinon Canyon Military Reservations, for an additional five years. The lands have been and will remain open to mineral leasing. This notice also gives an opportunity to comment on the proposed action and to request a public meeting.

DATES: Comments and requests for a public meeting must be received by June 19, 1992.

ADDRESSES: Comments and meeting requests should be sent to the Colorado State Director, BLM, 2850 Youngfield Street, Lakewood, Colorado 80215-7076.

FOR FURTHER INFORMATION CONTACT: Doris E. Chelius, BLM Colorado State Office, 303-239-3706.

SUPPLEMENTARY INFORMATION: On June 23, 1987, Public Land Order No. 6649 withdrew public lands and public minerals from operation of the public land laws, including the mining laws, for 5 years to protect the Fort Carson-Pinon Canyon Military Reservations. These Reservations exceed the 5,000 acre limitation and require legislation under the Engle Act. This legislation has not yet been approved and the segregation provided by the 5-year withdrawal will terminate June 22, 1992. It is proposed that Public Land Order No. 6649 be extended for 5 years to continue the segregation provided by this withdrawal.

The Fort Carson-Pinon Canyon Reservations aggregate approximately 2,517 acres of public lands and 141,555 acres of reserved mineral interests and are located in Las Animas, El Paso, Freemont, and Pueblo Counties, Colorado. The public lands and the lands containing reserved public minerals are identified in Public Land Order No. 6649. A complete description of the lands can be provided by the Colorado State Office at the address listed above.

The purpose of this extension is to continue the protection of the Reservations until Congress makes a final determination on the Engle Act Legislation.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed extension may present their views in writing to the Colorado State Director of the Bureau of Land Management.

Notice is hereby given that an opportunity for a public meeting is accorded in connection with the proposed extension. A public meeting was held concerning the proposed withdrawal on April 25, 1985. Since no parties appeared or requested to be heard concerning the withdrawal and closure of the land, a public meeting has not been scheduled on the proposed extension. Any parties who feel that a public meeting would provide important information and should be held, must submit their request to the Colorado State Director within 90 days from the date of publication of this notice If the

authorized officer determines that a public meeting will be held, a notice of the time and place will be published in the **Federal Register** at least 30 days prior to the scheduled date of the meeting.

This extension will be processed in accordance with the regulations set forth in 43 CFR part 2310.

The lands will continue to be managed in accordance with the regulations governing the Fort Carson-Pinon Canyon Reservations.

Robert S. Schmidt,

Chief, Branch of Realty Programs.

[FR Doc. 92-5753 Filed 3-11-92; 8:45 am]

BILLING CODE 4310-JB-M

Fish and Wildlife Service

Receipt of Applications for Permit

The following applicants have applied for a permit to conduct certain activities with endangered species. This notice is provided pursuant to Section 10(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531, *et seq.*):

PRT 765723

Applicant: San Diego Zoological Society, San Diego, CA.

The applicant requests a permit to import one captive-born Barbary deer (*Cervus elaphus barbarus*) from the Parc Zoologique de Belvedere, Tunis, for the purpose of enhancement of propagation and survival of the species.

PRT 766087

Applicant: Zoo Atlanta, Atlanta, GA.

The applicant requests a permit to remove from the wild 4 pairs of Eastern Indigo Snakes (*Drymarchon corais couperi*) for breeding and reintroduction of offspring into Southern Georgia.

PRT 744707

Applicant: Michael J. O'Farrell, Las Vegas, NV.

The applicant requests a permit to live-trap, mark, measure, and release endangered subspecies of (*Dipodomys nitratoides*) including: *D. n. exilis, D.n. nitratoides, D. n. brevinasus,* as well as *D. ingens* and *D. heermanni morroensis.* Take activities will be done throughout these species' ranges for population surveys and scientific research.

PRT 765686

Applicant: Triple S Game Farm, Edmond, OK.

The applicant requests a permit to import three male and two female captive-hatched white-eared pheasants (*Crossoptilon crossoptilon*) from South View Aviaries, Burnaby, British Columbia, Canada, for captive-breeding.

PRT 763477

Applicant: Tierra Madra Consultants, Riverside, CA.

The applicant requests a permit to capture, handle, and release the Stephens' kangaroo rat (*Dipodomys stephensi*) during surveys for this species in Riverside County, California, for purposes of enhancement of propagation and survival of the species. Data collected will be used to document habitat occupied by this species.

Written data or comments should be submitted to the Director, U.S. Fish and Wildlife Service, Office of Management Authority, 4401 North Fairfax Drive, room 432, Arlington, Virginia 22203 and must be received by the Director within 30 days of the date of this publication.

Documents and other information submitted with these applications are available for review by any party who submits a written request for a copy of such documents to, or by appointment during normal business hours (7:45–4:15) in, the following office within 30 days of the date of publication of this notice: U.S. Fish and Wildlife Service, Office of Management Authority, 4401 North Fairfax Drive, room 432, Arlington, Virginia 22203. Phone: (703/358–2104); FAX: (703/358–2281).

Dated: March 6, 1992.

Susan Jacobsen,

Acting Chief, Branch of Permits, Office of Management Authority.

[FR Doc. 92-5745 Filed 3-11-92; 8:45 am]

BILLING CODE 4310-55-M

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

Meeting; Research Advisory Committee

Pursuant to the provisions of the Federal Advisory Committee Act, notice is hereby given of the A.I.D. Research Advisory Committee meeting on Thursday and Friday, April 9–10, 1992, in suite 800 of the TRW Corporation, at 1001 19th Street, Roslyn, Virginia. The Committee will hear Subcommittee reports on Priorities of the PSTC (Program in Science and Technology Cooperation) and on Research Performance Indicators. Members will continue to address the role of research in the Agency for International Development reorganization and will likewise discuss proposals for a study of Technologies of Opportunity and one on Water and Sanitation. The CGIAR Research Priorities Exercise is also on the agenda. The meeting will begin at 8:30 a.m. on Thursday, April 9, adjourning at 5 p.m. and at 8:30 a.m. on Friday, April 10, with adjournment scheduled for 5 p.m. Minutes of the meeting will be available upon request.

The meeting is open to the public. Any interested persons may attend, may file written statements with the Committee before or after the meeting, or may present oral statements in accordance with procedures established by the Committee and to the extent time for the meeting permits. Due to security measures at TRW, visitors are required to present photo identification to the receptionist before they can be admitted to the conference room. All visitors are required to wear proper identification at all times within the building. To facilitate admittance, those planning to attend should advise Ms. Martha Haubert, Metrica, Inc., (703) 525–0045 or Ms. Victoria Ose, AID/R&D/R, (703) 525–4444, before April 8, 1992; provide your full name, name of employer or organization, address and telephone.

Dr. John A. Daly, Science Program Director, Office of Research, Bureau of Research and Development, is designated as the A.I.D. Representative at the meeting. Persons who desire more information should contact Dr. Daly at (703) 875–4769.

Dated: March 4, 1992.

John A. Daly,

A.I.D. Representative Research Advisory Committee.

[FR Doc. 92-5794 Filed 3-11-92; 8:45 am]

BILLING CODE 6116-01-M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731-TA-519 (Final)]

Gray Portland Cement and Cement Clinker From Venezuela

AGENCY: United States International Trade Commission.

ACTION: Suspension of Investigation.

SUMMARY: On February 27, 1992, the Department of Commerce suspended its antidumping investigation involving gray portland cement and cement clinker from Venezuela (57 FR 6706). The basis for the suspension is an agreement by Venezolana de Cementos, S.A.C.A and Cementos Caribe, C.A., producers/exporters which account for substantially all imports of these products from Venezuela, to make any necessary price revisions to eliminate completely any amount by which the foreign market value of their merchandise exceeds the United States

price of the subject merchandise. Accordingly, the United States International Trade Commission gives notice of the suspension of its antidumping investigation involving imports from Venezuela of gray portland cement and cement clinker, provided for in subheadings 2523.29.00 and 2523.10.00 of the Harmonized Tariff Schedule of the United States.

EFFECTIVE DATE: February 27, 1992.

FOR FURTHER INFORMATION CONTACT: Debra Baker (202–205–3180), Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436. Hearing-impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000.

Authority: This investigation is being suspended under authority of the Tariff Act of 1930, title VII. This notice is published pursuant to § 207.40 of the Commission's rules (19 CFR 207.40).

By order of the Commission.

Issued: March 10, 1992.

Kenneth R. Mason,

Secretary.

[FR Doc. 92–5988 Filed 3–11–92; 8:45 am]

BILLING CODE 7020–02–M

INTERSTATE COMMERCE COMMISSION

[No. 40688]

Proposed Exemption From Tariff Filing Requirements for Motor Contract Carriers of Passengers; Susquehanna Transit Co., D/B/A Susquehanna Trailways

The above named motor contract carrier of passengers seeks exemption from the tariff filing requirements of 49 U.S.C. 10702, 10761, and 10762. The Commission has issued a decision proposing to grant an exemption for existing and future contracts. The petition may be inspected at the Public Docket Room (room 1227) of the Commission in Washington, DC. To obtain a copy of the full decision, write to, call, or pick up in person from: Office of the Secretary, room 2215, Interstate Commerce Commission, Washington, DC 20423. Telephone: (202) 927–7428. [TDD for hearing impaired: (202) 927–5721.]

Any interested party may file a comment in this proceeding. Comments are due by March 27, 1992. If no timely filed adverse comments are received, the sought relief will automatically become effective at the close of the comment period. If adverse comments are filed, the comments will be considered, and, within 20 days of the close of the comment period, the Commission will issue a final decision. Send an original and 10 copies of comments referring to the above docket number and carrier name to: Office of the Secretary, Case Control Branch, room 1324, Interstate Commerce Commission, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT: Richard Felder (202) 927–5610 [TDD for hearing impaired: (202) 927–5721.]

Decided: March 3, 1992.

By the Commission, Chairman Philbin, Vice Chairman McDonald, Commissioners Simmons, Phillips, and Emmett.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 92–5828 Filed 3–11–92; 8:45 am]

BILLING CODE 7035–01–M

Release of Waybill Data for Use By ALK Associates, Inc.

The Commission has received a request from ALK Associates, Inc. for permission to use certain data from the Commission's 1989 and 90 ICC Waybill Samples.

A copy of the request (WB662—2/7/92) may be obtained from the ICC Office of Economics.

The Waybill Sample contains confidential railroad and shipper data; therefore, if any parties object to this request, they should file their objections (an original and 2 copies) with the Director of the Commission's Office of Economics within 14 calendar days of the date of this notice. The rules for release of waybill data [Ex Parte 385 (Sub–No. 2)] are codified at 49 CFR 1244.8.

Contact: James A. Nash, (202) 275–6864.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 92–5827 Filed 3–11–92; 8:45 am]

BILLING CODE 7035–01–M

DEPARTMENT OF JUSTICE

Information Collections Under Review

The Office of Management and Budget (OMB) has been sent the following collection(s) of information proposals for review under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35) and the Paperwork Reduction Reauthorization Act since the last list was published. Entries are grouped into submission categories, with each entry containing the following information:

(1) The title of the form/collection;

(2) The agency form number, if any, and the applicable component of the Department sponsoring the collection;

(3) How often the form must be filled out or the information is collected;

(4) Who will be asked or required to respond, as well as a brief abstract;

(5) An estimate of the total number of respondents and the amount of time estimated for an average respondents and the amount of time estimated for an average respondent to respond;

(6) An estimate of the total public burden (in hours) associated with the collection; and,

(7) An indication as to whether section 3504(h) of Public Law 96–511 applies.

Comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the OMB reviewer, Ms. Lin Liu on (202) 395–7340 and to the Department of Justice's Clearance Officer, Mr. Lewis Arnold, on (202) 514–4305. If you anticipate commenting on a form/collection, but find that time to prepare such comments will prevent you from prompt submission, you should notify the OMB reviewer and the DOJ Clearance Officer of your intent as soon as possible. Written comments regarding the burden estimate or any other aspect of the collection may be submitted to Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, and to Mr. Lewis Arnold, DOJ Clearance Officer, SPS/JMD/5031 CAB, Department of Justice, Washington, DC 20530.

Extension of the Expiration Date of a Currently Approved Collection Without any Change in the Substance or in the Method of Collection

(1) National Prisoner Statistics—Prison Population Reports: NPS–1A Midyear Population Counts; NPS–1B Advance Yearend Population Counts.

(2) NPS–1A, NPS–1B. Office of Justice Programs, Bureau of Justice Statistics.

(3) Annually.

(4) State or local governments, Federal agencies or employees. These data will provide midyear and advance yearend measures on the number of persons incarcerated and the degree of crowding in correctional institutions. The data will form the basis for historical trend analysis. Respondents are personnel in the correctional departments of each

state, the District of Columbia, and the U.S. Bureau of Prisons.

(5) 104 annual responses at 1.25 hours per response.

(6) 130 annual burden hours.

(7) Not applicable under 3504(h).

(1) Report of Public Safety Officer's Death.

(2) OJP Form 3650/6. Office of Justice Programs, Bureau of Justice Assistance.

(3) One-time submission.

(4) State or local governments. This form is filed by the agency of a public safety officer killed in the line of duty. It is filed with the Bureau of Justice Assistance as part of a claim for survivors' benefits under the Public Safety Officers' Benefits Act.

(5) 320 annual responses at 2.5 hours per response.

(6) 800 annual burden hours.

(7) Not applicable under 3504(h).

(1) Claim for Death Benefits.

(2) OJP Form 3650/5. Office of Justice Programs, Bureau of Justice Assistance.

(3) One-time submission.

(4) Individuals or households. This form is filled out by survivors of public safety officers killed in the line of duty. It is filed with the Bureau of Justice Assistance to obtain benefits under the Public Safety Officer's Benefits Act.

(5) 320 annual responses at 1.2 hours per response.

(6) 384 annual burden hours.

(7) Not applicable under 3504(h).

Public comment on these items is encouraged.

Dated: March 6, 1992.

Lewis Arnold,

Department Clearance Officer, Department of Justice.

[FR Doc. 92-5738 Filed 3-11-92; 8:45 am]

BILLING CODE 4410-18-M

DEPARTMENT OF LABOR

Office of the Secretary

All Items Consumer Price Index for All Urban Consumers; United States City Average

Pursuant to section 604(c) of the Motor Vehicle Information and Cost Savings Act, which was added to the Motor Vehicle Theft Law Enforcement Act of 1984, and the delegation of the Secretary of Transportation's responsibilities under that Act to the Administrator of the National Highway Traffic Safety Administration (49 CFR 501.2(f)), the Secretary of Labor has certified to the Administrator and published this notice in the **Federal Register** that the United States City Average All Items Consumer Price Index for All Urban Consumers (1967=100) increased 31.1 percent from its 1984 base period annual average of 311.1 to its 1991 annual average of 408.0.

Signed at Washington, DC, on the 27th day of February 1992.

Lynn Martin.

Secretary of Labor.

[FR Doc. 92-5784 Filed 3-11-92; 8:45 am]

BILLING CODE 4510-24-M

Employment and Training Administration

[TA-W-26,839]

Honeywell, Inc.; Fort Washington, PA; Public Hearing

The Department, in accordance with 19 U.S.C. 2271 of the Trade Act and 29 CFR 90.13 of the Code of Federal Regulations, has scheduled a public hearing at the request of the workers' counsel. The public hearing is scheduled for 7 p.m. on Thursday, March 26, 1992 at the VFW Hall, North Penn Post 676, 2519 Jenkintown Road, Glenside, Pennsylvania.

The public hearing is for petitioners or any other persons showing a substantial interest in the proceedings to furnish additional testimony and evidence of a relevant and material nature bearing upon the investigation regarding petition TA-W-26,839 filed on behalf of workers and former workers at Honeywell, Inc., Fort Washington, Pennsylvania.

Such individuals who desire to furnish additional testimony as evidence should inform the Director, OTAA, Department of Labor of their intention to appear not later than Tuesday, March 24, 1992. Mr. Marvin M. Fooks, Director, OTAA, can be reached in Washington, DC at (202) 523-0555. The Director's Office is in room C-4318, 200 Constitution Avenue, NW., Washington, DC 20210.

Signed at Washington, DC this March 5, 1992.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 92-5783 Filed 3-11-92; 8:45 am]

BILLING CODE 4510-30-M

NATIONAL COMMISSION ON MIGRANT EDUCATION

Meeting

ACTION: Notice of meeting.

SUMMARY: The National Commission on Migrant Education will hold its fifteenth meeting on Friday, March 27, 1992, during a conference call between Commission members and staff. The Commission was established by Public Law 100-297, April 28, 1988.

DATE, TIME, AND PLACE: Friday, March 27, 1 to 4 p.m., at 8120 Woodmont Avenue, Fifth Floor, Bethesda, Maryland 20814.

STATUS: Audio equipment provided for public attendance. Limited seating available.

AGENDA: Deliberations on state administration of migrant education programs.

FOR FURTHER INFORMATION CONTACT: Elizabeth J. Skiles (301) 492-5336, National Commission on Migrant Education, 8120 Woodmont Avenue, Fifth Floor, Bethesda, Maryland 20814.

Linda Chavez,

Chairman.

[FR Doc. 92-5811 Filed 3-11-92; 8:45 am]

BILLING CODE 6820-DE-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Music Advisory Panel; Meetings

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Music Advisory Panel (Composers Fellowships Prescreening #2 Section) to the National Council on the Arts will be held on March 26, 1992 from 9 a.m.-5:30 p.m. and March 27 from 8 a.m.-4 p.m. in room M-09 of the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, DC 20506.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, a amended, including discussion of information given in confidence to the Agency by grant applicants. In accordance with the determination of the Chairman of November 20, 1991, as amended, these sessions will be closed to the public pursuant to subsections (c) (4), (6) and (9)(B) of section 552b of title 5, United States Code.

Further information with reference to this meeting can be obtained from Ms. Yvonne M. Sabine, Advisory Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call (202) 682-5433.

Dated: March 5, 1992.

Yvonne M. Sabine,

Director, Council and Panel Operations National Endowment for the Arts.

[FR Doc. 92-5742 Filed 3-11-92; 8:45 am]

BILLING CODE 7537-01-M

NATIONAL SCIENCE FOUNDATION

Collection of Information Submitted for OMB Review

In accordance with the Paperwork Reduction Act and OMB Guidelines, the National Science Foundation is posting two notices of information collections that will affect the public. Interested persons are invited to submit comments by April 12, 1992. Comments may be submitted to:

(A) *Agency Clearance Officer:* Herman G. Fleming, Division of Personnel and Management, National Science Foundation, Washington, DC 20550, or by telephone (202) 357–7335. and to:

(B) *OMB Desk Officer:* Office of Information and Regulatory Affairs, ATTN: Dan Chenok, Desk Officer, OMB, 722 Jackson Place, room 3208, NEOB, Washington, DC 20503.

Title: Baseline Data for Undergraduate Faculty Enhancement Program.

Affected Public: Non-profit Institutions.

Respondents/Reporting Burden: 60 respondents; 30 minutes per response.

Abstract: The Undergraduate Faculty Enforcement Program provides support for colleges and universities to conduct regional and national short courses which enables faculty to remain current in their fields. The purpose of the questionnaire is to obtain baseline information on the participants in the workshop.

Dated: March 6, 1992.

Herman G. Fleming,

Reports Clearance Officer.

[FR Doc. 92–5735 Filed 3–11–92; 8:45 am]

BILLING CODE 7555–01–M

Special Emphasis Panel in Chemistry; Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Special Emphasis Panel in Chemistry.

Date and Time: April 2, 1992; 8 a.m. to 5 p.m., April 3, 1992; 8 a.m. to 4 p.m.

Place: Room 543, National Science Foundation, 1800 G Street, NW., Washington, DC 20550.

Type of Meeting: Closed.

Contact Person: Dr. John S. Showell, Program Director, 1800 G Street, NW., room 340, Washington, DC 20550. Telephone: (202) 357–7501.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate proposals submitted to the NSF Young Investigator Program.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552 B. (c) (4) and (6) of the Government in the Sunshine Act.

Dated: March 9, 1992.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 92–5773 Filed 3–11–92; 8:45 am]

BILLING CODE 7555–01–M

Advisory Committee for Design and Manufacturing Systems; Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting.

Name: Advisory Committee for Design and Manufacturing Systems.

Date and Time: April 2 & 3, 1992, 9 a.m. to 5 p.m.

Place: 500–D & E, 1110 Vermont Ave., National Science Foundation, Washington, DC.

Type of Meeting: Open.

Contact Person: Dr. Thom J. Hodgson, Division Director, Design and Manufacturing Systems, National Science Foundation, room 1128, Washington, DC 20550. Telephone: (202) 357–7508.

Minutes: Ms. Sandra Williams, Division Secretary, Design and Manufacturing Systems, National Science Foundation, room 1128, 1800 G St., NW., Washington, DC 20550. Telephone: (202) 357–7508

Purpose of Meeting: To provide advice and recommendations concerning support for research in the Division of Design and Manufacturing Systems.

Agenda: Review of NSF program performance and long range planning for Design and Manufacturing Systems programs.

Dated: March 9, 1992.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 92–5772 Filed 3–11–92; 8:45 am]

BILLING CODE 7555–01–M

Special Emphasis Panel in Earth Sciences; Meeting

SUMMARY: In accordance with the Federal Advisory Committee Act (Pub. L. 920463, as amended), the National Science Foundation announces the following meeting.

Name: Special Emphasis Panel in Earth Sciences.

Date: April 1, 2 and 3, 1992.

Time: 8:30 a.m. to 5:30 p.m. each day.

Place: The Gould Simpson Building, room 404, University of Arizona, Tucson AZ 85721.

Type of Meeting: Closed.

Contact Person: Dr. Ian D. MacGregor, Head, Major Project Section, Division of Earth Sciences, room 602, National Science Foundation, Washington, DC 20550, (202) 357–9591.

Purpose of Meeting: To provide advice and recommendations concerning support for research in the Instrumentation and Facilities Program, Division of Earth Sciences.

Agenda: Site visit and review of the NSF-Arizona Accelerator Mass Spectrometry Facility. Review of proposals to the Instrumentation and Facilities Program.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information, financial data, such as salaries, and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C., 552b(c), Government in the Sunshine Act.

Dated: March 9, 1992.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 92–5770 Filed 3–11–92; 8:45 am]

BILLING CODE 7555–01–M

Special Emphasis Panel in Electrical and Communications Systems; Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Special Emphasis Panel in Electrical and Communications Systems.

Date and time: March 30–31, 1992; 8:30 a.m. to 5 p.m.

Place: Room 500–E, National Science Foundation (NSF), 1110 Vermont Avenue, NW., Washington, DC 20005.

Type of Meeting: Closed.

Contact Person: Dr. George K. Lea, Program Director, Division of Electrical and Communications Systems, NSF, 1800 G Street, NW., room 1151, Washington, DC 20550. Telephone: (202) 357–9618.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate research proposals submitted to the Young Investigators Program.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions 4 and 6 of 5 U.S.C. 552b. (c) (4) and (6) the Government in the Sunshine Act.

Dated: March 9, 1992.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 92–5765 Filed 3–11–92; 8:45 am]

BILLING CODE 7555–01–M

Advisory Committee for Engineering; Meeting

The National Science Foundation announces the following meeting:

Name: Advisory Committee for Engineering.

Date and Time: March 30 and 31, 1992 9:30 a.m.–5 p.m., Monday, March 30 9 a.m.–12 Noon, Tuesday, March 31

Place: National Science Foundation, 1800 "G" Street, NW., room 540, Washington, DC 20550.

Type of Meeting: Open.

Contact Person: Dr. William S. Butcher, Advisory Committee for Engineering, room 1126, National Science Foundation, Washington, DC 20550, Telephone: (202) 357–9571.

Minutes: Dr. William S. Butcher at the above address.

Purpose of Meeting: To provide advice, recommendations, and counsel on major goals and policies pertaining to Engineering programs and activities.

Agenda: Discussion on issues, opportunities and future directions for the Engineering Directorate; discussion of Engineering Directorate budget situation as well as other items.

Dated: March 9, 1992.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 92–5766 Filed 3–11–92; 8:45 am]

BILLING CODE 7555–01–M

Special Emphasis Panel in Human Resource Development; Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Special Emphasis Panel in Human Resource Development.

Date and Time: March 30, 1992; 8:30 a.m. to 5 p.m., March 31, 1992; 8:30 a.m. to 5 p.m.

Place: Room 543, National Science Foundation, 1800 G Street, NW., Washington, DC 20550.

Type of Meeting: Closed.

Contact Person: Dr. Margaret E.M. Tolbert, Program Director, 1800 G Street, NW., rm. 1225, Washington, DC 20550. Telephone: (202) 357–7350.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate unsolicited proposals submitted to the Research Improvement in Minority Institutions Program.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b.(c) (4) and (6) of the Government in the Sunshine Act.

Dated: March 9, 1992.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 92–5767 Filed 3–11–92; 8:45 am]

BILLING CODE 7555–01–M

Advisory Committee for Industrial Science & Technological Innovation; Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting.

Name: Advisory Committee for Industrial Science & Technological Innovation.

Place: National Science Foundation, 1110 Vermont Avenue, NW., Washington, DC, room 500C.

Date & Time: March 31, 1992; 8:30 a.m.–5 p.m., April 1, 1992; 8:30 a.m.–5 p.m., April 2, 1992; 8:30 a.m.–12 noon.

Type of Meeting: Closed.

Contact Person: Richard I. Schoen, Deputy Division Director, Division of Industrial Science and Technological Innovation, room V–502, Washington, DC 20550, Phone: (202) 653–5202.

Purpose of Meeting: To provide oversight review of the Small Business Innovation Research Program.

Agenda: To carry out Committee of Visitors (COV) review including examination of decisions on proposals, reviewer comments, and other privileged materials.

Reason for Closing: The meeting is closed to the public because the Committee is reviewing proposal actions that will include privileged intellectual property and personal information that could harm individuals if it were disclosed. If discussions were open to the public, these matters that are exempt under 5 U.S.C. 552b(c)(4) and (6) of the Government in the Sunshine Act would improperly be disclosed.

Dated: March 9, 1992.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 92–5769 Filed 3–11–92; 8:45 am]

BILLING CODE 7555–01–M

Special Emphasis Panel in Materials Research; Meetings

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation (NSF) announces the following five meetings:

Name: Special Emphasis Panel in Materials Research.

Date & Time: April 6, 1992 and April 7, 1992; 8:30 a.m. to 5 p.m.

Place: NSF, rm. 500E, 1110 Vermont Ave., NW., Washington, DC.

Contact: Dr. Ralph P. Hudson, Dr Franklin Wang, Program Directors, rm. 408, DMR, 202–357–9789.

Date & Time: April 15, 1992; 8:30 a.m. to 5 p.m.

Place: NSF, rm. 411, 1800 G St. NW., Washington, DC.

Contact: Dr. Clive H. Perry, Program Director, DMR, rm 408, 202–357–9787.

Date & Time: April 23, 1992; 8:30 a.m. to 5 p.m.

Place: NSF, rm. 403, 1800 G St. NW., Washington, DC.

Contact: Dr. Clive H. Perry, Program Director, DMR, rm 408, 202–357–9787.

Date & Time: May 5, 1992; 8:30 a.m. to 5 p.m.

Place: NSF, rm. 411, 1800 G Street, NW., Washington, DC.

Contact: Dr. Franklin Wang, Program Director, rm. 408, DMR, 202–357–9789.

Types of Meetings: Closed.

Purpose of Meetings: To provide advice and recommendations concerning support for research proposals submitted to the NSF for financial support.

Agenda: To review and evaluate Materials Synthesis and Processing proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c) (4) and (6) of the Government in the Sunshine Act.

Dated: March 9, 1992.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 92–5777 Filed 3–11–92; 8:45 am]

BILLING CODE 7555–01–M

Special Emphasis Panel in Mathematical Sciences; Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Special Emphasis Panel in Mathematical Sciences.

Date and Time: March 30–31, 1992 (9 a.m. to 5 p.m.)

Place: National Science Foundation, 1800 G Street, NW., room 536, Washington, DC 20550.

Type of Meeting: Closed.

Contact Person: Dr. Gary Cornell or Dr. Jerry Bebernes Division of Mathematical Sciences, National Science Foundation, 1800 G Street, NW., room 339. (202) 357–3695 or 357–3686.

Purpose of Meeting: To evaluate applications and provide recommendations on those applications as part of the selection process for the NSF Research Opportunities for Women.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552

b. (c) (4) and (6) of the Government in the Sunshine Act.

Dated: March 9, 1992.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 92-5768 Filed 3-11-92; 8:45 am]

BILLING CODE 7555-01-M

Special Emphasis Panel in Mechanical and Structural Systems; Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92463, as amended) the National Science Foundation announces the following meeting:

Name: Special Emphasis Panel in Mechanical and Structural Systems.

Date: April 2, 1992, 8:30 a.m. to 5 p.m., April 3, 1992, 8:30 a.m. to 3 p.m.

Place: State Plaza Hotel, Ambassador Room and Energy Room, 2117 E Street, NW., Washington, DC 20037.

Type of Meeting: Closed.

Contact Person: Dr. Jorn Larsen-Basse, Program Director, 1800 G Street, NW., rm 1108, Washington, DC 20550, Telephone: (202) 357-9542.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate NSF NYI proposals submitted to the Division of Mechanical and Structural Systems.

Reason of Closing: The proposals being reviewed include information of proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b.(c) (4) and (6) of the Government in the Sunshine Act.

Dated: March 9, 1992.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 92-5771 Filed 3-11-92; 8:45 am]

BILLNG CODE 7555-01-M

Special Emphasis Panel in Mechanical and Structural Systems; Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92-463, as amended), the National Science Foundation announced the following meeting:

Name: Special Emphasis Panel in Mechanical and Structural Systems.

Date and Time: April 3, 1992, 8:30 a.m. to 5 p.m.

Place: 1800 G Street, NW., room 1108a, Washington, DC 20550.

Notice of Meeting: Closed.

Contact Person: Dr. Mehmet T. Tumay, Program Director, 1800 G Street, NW., room 1108, Washington, DC 20550. Telephone: (202) 357-9542.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: Review and evaluate Mechanical and Structural Systems NSF NYI proposals.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information, financial data, such as salaries, and personal information concerning individuals associated with the exemptions 4 and 6 of 5 U.S.C. 552b. (c), (b), and (6) the Government in the Sunshine Act.

Dated: March 9, 1992.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 92-5776 Filed 3-11-92; 8:45 am]

BILLING CODE 7555-01-M

Special Emphasis Panel in Physics; Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92-463, as amended), the National Science Foundation announces the following meeting:

Name: Special Emphasis Panel in Physics.

Date: March 30, 1992.

Time: 8:30 a.m.-5 p.m.

Place: National Science Foundation (NSF), Conference Room 340, 1800 G Street NW., Washington, DC 20550.

Type of Meeting: Closed.

Contact Person: Dr. Rolf M. Sinclair, Program Director for Cross Directorate Programs, PHY, room 341, NSF (202) 357-7996.

Purpose of Meeting: To review and provide recommendations on nominations for the NYI program.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions 4 and 6 of 5 U.S.C. 552 b.(c) (4) and (6) of the Government in the Sunshine Act.

Dated: March 9, 1992.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 92-5764 Filed 3-11-92; 8:45 am]

BILLING CODE 7555-01-M

Special Emphasis Panel in Teacher Preparation and Enhancement; Meeting

The National Science Foundation announces the following meeting:

Name: Special Emphasis Panel in Teacher Preparation and Enhancement.

Dates: 2-4 April 1992.

Times: 2 April 1992—5 p.m.—General Session Meeting, 2 April 1992—7 p.m. to 9:30 p.m.—Panels in Breakout Rooms, 3 April 1992—8 a.m. to 6 p.m.—Panel, 4 April 1992—8 a.m. to 2 p.m.—Panel.

Place: Sheraton Washington Hotel, 2660 Woodley Road at Connecticut Avenue, NW., Washington, DC 20008, (202) 328-2000.

Meeting Rooms: Park Tower Building.

Type of Meeting: Closed.

Purpose: To review and evaluate proposals and provide advice and recommendations as part of the selection process for awards. Because the proposals reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with proposals, the meetings are closed to the public. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Agenda: Review and evaluate Teacher Enhancement Proposals.

Contact: Mrs. Ethel Schultz, Head, Institutes and Recognition Section, Division of Teacher Preparation and Enhancement, Directorate for Education and Human Resources, National Science Foundation, room 635B, Washington, DC 20550, (202) 357-7073.

Dated: March 9, 1992.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 92-5774 Filed 3-11-92; 8:45 am]

BILLING CODE 7555-01-M

Special Emphasis Panel in Teacher Preparation and Enhancement; Meeting

The National Science Foundation announces the following meeting:

Name: Special Emphasis Panel in Teacher Preparation and Enhancement.

Dates: 2-4 April 1992.

Times: 2 April 1992—5 p.m.—General Session Meeting, 2 April 1992—7 p.m. to 9:30 p.m.—Panels in Breakout Rooms, 3 April 1992—8 a.m. to 6 p.m.—Panel, 4 April 1992—8 a.m. to 2 p.m.—Panel.

Place: Sheraton Washington Hotel, 2660 Woodley Road at Connecticut Avenue, NW., Washington, DC 20008, (202) 328-2000.

Meeting Rooms: Park Tower Building.

Type of Meeting: Closed.

Purpose: To review and evaluate proposals and provide advice and recommendations as part of the selection process for awards. Because the proposals reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with proposals, the meetings are closed to the public. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Agenda: Review and evaluate Teacher Preparation Proposals.

Contact: Dr. Susan Snyder, Head, Networking and Teacher Preparation Section, Division of Teacher Preparation and Enhancement, Directorate for Education and Human Resources, National Science Foundation, room 635B, Washington, DC 20550, (202) 357-7069.

Dated: March 9, 1992.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 92-5775 Filed 3-11-92; 8:45 am]

BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-315 and 50-316]

Indiana Michigan Power Co., Donald C. Cook Nuclear Plant, Units 1 and 2; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License Nos. DPR-58 and DPR-74, issued to Indiana Michigan Power Company, (the licensee), for operation of the Donald C. Cook Nuclear Plant Units 1 and 2, located in Berrien County, Michigan.

Environmental Assessment

Identification of Proposed Action

The proposed amendment would revise the provisions in the Technical Specifications (TS) relating to TS Section 5.6.1.1 "Criticality—Spent Fuel," for both units. Specifically, the current TS requirement to store Westinghouse Fuel assemblies with fuel enrichments of greater than 3.95 weight percent uranium-235 enrichment and burnup of less than 5,500 MWD/MTV in Region I of the spent fuel pool in a 3-out-of-4 array (one storage cell in each symmetrical array empty) is modified to allow an array of highly reactive fuel "checkerboarded" with adequately burnt fuel with no empty storage locations.

The proposed action is in accordance with the licensee's application for amendment dated February 15, 1991, as supplemented by letters dated October 8, 1991 and January 14, 1992.

The Need for the Proposed Action

The proposed change to the TS is required in order to provide the licensee the ability to store fresh fuel in the spent fuel pool, to provide easier fuel handling operations and to optimize the available storage space in the spent fuel pool racks.

Enviromental Impacts of the Proposed Action

The Commission has completed its evaluation of the proposed revision to the TS and concludes that the proposed change does not involve a significant hazards consideration. The proposed amendment would modify the current TS requirement which allows storage of fuel assemblies with fuel enrichments of greater than 3.95 weight percent uranium-235 and burnup of less than 5,500 MWD/MTV in Region I of the spent fuel pool in a 3-out-of-4 array to allow an array of highly reactive fuel "checkerboarded" within adequately burnt fuel with no empty storage locations. The storage of the higher enriched fuel in the above proposed pattern would not significantly increase the probability or consequences of any accident previously analyzed. Since the proposed change does not increase the probability or consequences of an accident, no changes are being made in the types or amounts of any radiological effluents that may be released offsite, and there is no significant increase in the allowable individual or cumulative occupational radiation exposure. Accordingly, the Commission concludes that this proposed action would result in no significant radiological environmental impact.

With regard to potential non-radiological impacts, the proposed change to the TS involves a change in the installation or use of a facility component located within the restricted area as defined by 10 CFR part 20. The proposed change does not affect non-radiological plant effluents and has no other environmental impact. Therefore, the Commission concludes that there are no significant non-radiological environmental impacts associated with the proposed amendment.

Alternative to the Proposed Action

Since the Commission concluded that there are no significant environmental effects that would result from the proposed action, any alternatives with equal or greater environmental impacts need not be evaluated.

The principal alternative would be to deny the requested amendment. This would not reduce environmental impacts of plant operation and would result in reduced operational flexibility.

Alternative Use of Resources

This action does not involve the use of any resources not previously considered in the Final Environmental Statements for the Donald C. Cook Nuclear Power Plant Units 1 and 2, dated August 1973.

Agencies and Persons Consulted

The NRC staff reviewed the licensee's request and did not consult other agencies or persons.

Finding of No Significant Impact

Based upon the foregoing environmental assessment, we conclude that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the Commission has determined not to prepare an environmental impact statement for the proposed license amendment.

For further details with respect to this action, see the application for amendment dated February 15, 1991 and supplements dated October 8, 1991 and January 14, 1992, which are available for public inspection at the Commission's Public Document Room, 2120 L Street, NW., Washington, DC and at the Maude Preston Palenske Memorial Library, 500 Market Street, St. Joseph, Michigan 49085.

Dated at Rockville, Maryland, this 3rd day of March 1992.

For the Nuclear Regulatory Commission.

John F. Stang,

Acting Director, Project Directorate III-1, Division of Reactor Projects—III/IV/V, Office of Nuclear Reactor Regulation.

[FR Doc. 92-5813 Filed 3-11-92; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-219]

GPU Nuclear Corp. Consideration of Issuance of Amendment to Facility Operating License and Opportunity for Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR-16, issued to GPU Nuclear Corporation (GPUN, the licensee), for operation of the Oyster Creek Nuclear Generating Station located in Ocean County, New Jersey.

The proposed amendment would delete the Auto-Start Logic of the Containment Spray System by plant modifications in the 14R refueling outage. In order to achieve this and not be in violation of the Appendix A Technical Specifications, the Technical Specifications Change Request proposes revisions to Technical Specification 3.1 and 3.4 Bases sections; deletion of the Instrumentation requirements of Table 3.1-1 Section E; deletion of the Containment Spray System from Table 4.1.2 (which lists surveillance test frequencies for Automatic Trip Systems); and deletion of the surveillance requirement of Technical Specification 4.4.C.2 for auto-start actuation test.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended

(the Act and the Commission's regulations.

By April 13, 1992, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555 and at the local public document room located at the Ocean County Library, Reference Department, 101 Washington Street, Toms River, New Jersey 08753. If a request for a hearing or petition for leave to intervene is filed by the above data, the Commission or an Atomic Safety and Licensing Board Panel, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board Panel will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for level to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. the petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect or any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first pre-hearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law of fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Services Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555, by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1–(800) 325–6000 (in Missouri 1–(800) 342–6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to John F. Stolz: Petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this **Federal Register** notice. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to Earnest L. Blake, Jr., Esquire, Shaw, Pittman, Potts and Trowbridge, 2300 N Street, NW., Washington, DC 20037, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, for presiding officer or the presiding Atomic Safety and Licensing Board Panel that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1) (i)–(v) and 2.714(d).

If a request for a hearing is received, the Commission's staff may issue the amendment after it completes its technical review and prior to the completion of any required hearing if it publishes a further notice for public comment of its proposed finding of no significant hazards consideration in accordance with 10 CFR 50.91 and 50.92.

For further details with respect to this action, see the application for amendment dated February 19, 1992, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555, and at the local public document room located at the Ocean County Library, Reference Department, 101 Washington Street, Toms River, New Jersey 08753.

Dated at Rockville, Maryland, this 5th day of March 1992.

For the Nuclear Regulatory Commission.

John F. Stolz,

Director, Project Directorate I–4, Division of Reactor Projects–I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 92–5815 Filed 3-11–92; 8:45 am]

BILLING CODE 7590–01–M

PACIFIC NORTHWEST ELECTRIC POWER AND CONSERVATION PLANNING COUNCIL

Protected Areas Amendments

March 3, 1992.

AGENCY: Pacific Northwest Electric Power and Conservation Planning Council (Northwest Power Planning Council).

ACTION: Notice of proposed protected areas amendments to the Columbia River Basin Fish and Wildlife Program and the Northwest Conservation and Electric Power Plan, hearings and opportunity to comment.

SUMMARY: On November 15, 1982, pursuant to the Pacific Electric Power Planning and Conservation Act (the Northwest Power Act, 16 U.S.C. 839, *et seq.*) the Pacific Northwest Electric Power and Conservation Planning Council (Council) adopted a Columbia River Basin Fish and Wildlife Program (program). The Council adopted the Northwest Conservation and Electric Power Plan (power plan) on April 27, 1983. The program and the power plan have been amended from time to time since then. In August, 1988, the Council incorporated into the program and the plan "protected areas" measures to protect critical fish and wildlife habitat from new hydropower development. The protected areas provisions provided processes for amending protected areas on various grounds. In November, 1991, in response to an announcement by the Council, the Council received a number of petitions to amend protected areas. On the basis of these petitions, at its February 11–12, 1992 meeting, the Council voted to initiate rulemaking pursuant to section 4(d)(1) of the Northwest Power Act to consider amending certain protected areas provisions of the program and the power plan. This notice contains a brief description of the proposed amendments, describes how to obtain a full copy of the proposed amendments and background information concerning them, and explains how to participate in the amendment process.

PUBLIC COMMENT: All written comments must be received in the Council's central office, 851 SW. Sixth Avenue, suite 1100, Portland, Oregon, 97204, by 5 p.m. Pacific time on Friday, May 1, 1992. Comments should be submitted to Steve Crow, Director of Public Affairs, at this address. Comments should be clearly marked "Protected Areas Comments."

After the close of written comment, the Council may hold consultations with interested parties to clarify points made in written comment, and will supply notice of such consultations to persons requesting such notice. Consultations may be held up to the time of the Council's final action in this rulemaking.

HEARINGS: Public hearings will be held in Idaho, Montana, Oregon, and Washington, in March and April, 1992. If you wish to obtain a schedule of the hearings, more information about this process or reserve a time period for presenting oral comments at a hearing, contact the Council's Public Affairs Division, 851 SW. Sixth Avenue, suite 1100, Portland, Oregon 97204 or (503) 222–5161, toll free 1–800–222–3355 in Idaho, Montana, Oregon and Washington. Requests to reserve a time period for oral comments must be received no later than two work days before the hearing.

FINAL ACTION: The Council expects to take final action on the proposed protected areas amendments at its May or June 1992 meeting. The actual date on which the Council will make its final decision will be announced in accordance with applicable law and the Council's practice of providing notice of its meeting agendas.

SUPPLEMENTARY INFORMATION: Thirteen petitions have been received. Eight of the petitions seek removal of protected status so that hydro projects can proceed. Five petitions would add protected status to various reaches or subbasins. No petitions have been received for protected areas in Montana or Oregon.

One of the petitions proposes protected area status based on a decision of the Idaho Legislature that the reach should be protected. On its own motion, the Council has also included other Idaho river reaches with a similar status.

FOR FURTHER INFORMATION CONTACT: Those wishing to receive a fuller version of this notice, including a list of affected river reaches or copies of particular petitions, should contact the Public Affairs Division at the address or telephone numbers listed above.

Edward Sheets,

Executive Director.

[FR Doc. 92–5807 Filed 3–11–92; 8:45 am]

BILLING CODE 0000–00–M

RAILROAD RETIREMENT BOARD

Agency Forms Submitted for OMB Review

AGENCY: Railroad Retirement Board.

ACTION: In accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35), the Railroad Retirement Board has submitted the following propose(s) for the collection of information to the Office of Management and Budget for review and approval.

Summary of Propose(s)

(1) *Collection title:* Railroad Service and Compensation Reports.

(2) *Form(s) submitted:* BA–3a and BA–4.

(3) *OMB Number:* 3220–0008

(4) *Expiration date of current OMB clearance:* Three years from date of OMB approval.

(5) *Type of request:* Extension of the expiration date of a currently approved collection without any change in the substance or in the method of collection.

(6) *Frequency of response:* Monthly, Quarterly and Annually.

(7) *Respondents:* Businesses or other for-profit and Small businesses or organizations.

(8) *Estimated annual number of respondents:* 656.

(9) *Total annual responses:* 1,100.

(10) *Average time per response:* 47.2409 hours.

(11) *Total annual reporting hours:* 51,965.

(12) *Collection description:* Under the Railroad Unemployment Insurance and Railroad Retirement Acts, employers are required to report service and compensation for each employ to update Railroad Retirement Board records for payment of benefits.

Additional Information or Comments

Copies of the proposed forms and supporting documents can be obtained from Dennis Eagan, the agency clearance officer (312–751–4693). Comments regarding the information collection should be addressed to Ronald J. Hodapp, Railroad Retirement Board 844 Rush street, Chicago, Illinois 60611 and the OMB reviewer, Laura Oliven (202–395–7316), Office of Management and Budget, Room 3002, New Executive Office Building, Washington, DC 20503.

Dennis Eagan,

Clearance Officer.

[FR Doc. 92–5808 Filed 3–11–92; 8:45 am]

BILLING CODE 7905–01–M

DEPARTMENT OF STATE

Bureau of Oceans and International Environmental and Scientific Affairs

[Public Notice 1583]

U.S. MAB Request for Proposals for Environmental Projects

The United States Man and the Biosphere (U.S. MAB) Program, hereby announces its request for proposals to continue to provide its assistance to the U.S. Peace Corps in the development of a worldwide environmental projects initiative as described below.

U.S. MAB will accept proposals of a maximum length of six (6) pages which outline how the objectives described below could be accomplished. A curriculum vitae (c.v.) of a maximum length of four (4) pages for each principal(s), which clearly demonstrates a history of competency in the implementation of such tasks, must accompany the proposal. Proposals may

not request more than the sum of sixty thousand ($60,000) dollars to implement this initiative. All proposals must specify that all tasks will be completed within twelve months at the headquarters of the U.S. Peace Corps or at other appropriate sites, as directed, beginning during the last week of April 1992. Payments will be made on a quarterly basis in equal installments.

All proposals and accompanying documents must be received by the U.S. MAB Secretariat no later than the close of business (COB) on April 15, 1992. Proposals and c.v.s. will be evaluated by the criteria noted in the following section.

Selection will be made during the week of April 20, 1992. Selected candidate principals must be prepared to implement their proposals on or about April 27, 1992.

Proposals should be sent to: U.S. MAB Secretariat, Room 608 SA-37, OES/EGC/MAB, U.S. Department of State, Washington, DC 20522-3706.

Proposals may be sent via facsimile (FAX) to (703) 235-3002.

If candidates choose to send their proposals via a courier or an overnight delivery service, the address is: U.S. MAB, Room 608, 1555 Wilson Boulevard, Rosslyn, Virginia 22209.

The objective of this request for proposals is to assist the Peace Corps' Worldwide Environmental Projects initiative in the development of projects for providing technical assistance, including but not limited to those to:

Conduct rapid needs assessments of third world countries that have illustrated an interest in environmentally oriented projects (Minimum of three);

Design and conduct country specific environmental project planning and implementation workshops for Peace Corps program offices and staff of private voluntary organizations (Minimum of two);

Develop In-Service Training (IST) model(s) and Pre-Service Training model(s) (PST) for peach Corps Volunteers (PCVs) working in environmentally oriented projects and for local level host country counterparts as well, to implement country specific ISTs based on these models (minimum of six);

Spend up to fifty percent of his/her time working directly with U.S.A.I.D. staff members in the Office of Forestry, Environment, and Natural Resources (R&D/FENR); the Latin American Bureau; Asian Bureau; African Bureau; Central and Eastern European Bureau; and the Former Soviet Union Countries to:

- Write proposal for additional support to enhance current programming and to secure additional funds for new initiatives;
- Act as a liaison between U.S.A.I.D. and Peace Corps regarding ongoing collaborative programming that focuses on environmental education, biodiversity, park management or forestry initiatives;
- Prepare documentation of sector activities and collaborate with other sectors in the Office of Training and Program Support (OTAPS), as needed, for A.I.D. support and reporting;
- Initiate new programming activities that enhance U.S.A.I.D. and Peace Corps priorities; and
- Represent Peace Corps at relevant U.S.A.I.D. meetings, conferences and seminars.

Support the agency in the implementation of the Programming and Training System (PATS), including project design, monitoring, and evaluation assistance. In addition, collaborate with incumbent Sector Specialists in the following tasks:

- Participate in project plan reviews for environmental projects;
- Undertake annual reviews of country programs and technical assistance requests.

The following selection criteria will be applied to proposals:

- Demonstrated ability of the proposer to design and deliver training for environmental education;
- Demonstrated ability of the proposer to prepare grant proposals in support of U.S.A.I.D./Peace Corps collaboration;
- Demonstrated ability of the proposer to conduct needs assessments and develop project design; and
- Fluency in Spanish preferred.

For further information concerning technical or grant performance related inquires, please contact: George Mahaffy, Director, Office of Training and Program Support, U.S. peace Corps, Room 800, 1990 K Street, NW., Washington, DC 20526, Telephone: (202) 606-3100.

For further information concerning administrative and grant management related inquiries, please contact: Roger E. Soles, Executive Director U.S. MAB, Room 608 SA-37, OES/EGC/MAB, U.S. Department of State, Washington, DC 20522-3706, Telephone: (703) 235-2946.

Dated: March 3, 1992.

Roger E. Soles,

Executive Director, U.S. Man and the Biosphere Program.

[FR Doc. 92-5809 Filed 3-11-92; 8:45 am]

BILLING CODE 4710-09-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD-015]

New York Harbor Traffic Management Advisory Committee; Meeting

AGENCY: Coast Guard, DOT.

ACTION: Notice of meeting.

SUMMARY: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 USC App. I), notice is hereby given of a meeting of the New York Harbor Traffic Management Advisory Committee to be held on April 15, 1992, in the Conference Room, second floor, U.S. Coast Guard Marine Inspection Office, Battery Park, New York, New York, beginning at 10 a.m..

The agenda for this meeting of the New York Harbor Traffic Management Advisory Committee is as follows:

1. Introductions.
2. Update of Marine Events.
3. Update of dredging operations in New York harbor.
4. Update on Vessel Traffic Service.
5. Update on Coast Guard regulatory initiatives.
6. Bayonne Bridge work.
7. Topics from the floor.
8. Review of agenda topics and selection of date for next meeting.

The New York Harbor Traffic Management Advisory Committee has been established by Commander, First Coast Guard District to provide information, consultation, and advice with regard to port development, maritime trade, port traffic, and other maritime interests in the harbor. Members of the Committee serve voluntarily without compensation from the Federal Government.

Attendance is open to the interested public. With advance notice to the Chairperson, members of the public may make oral statements at the meeting. Persons wishing to present oral statements should notify the Executive Director no later than one day before the meeting. Any member of the public may present a written statement to the Committee at any time.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander J. E. BUSSEY, USCG, Executive Secretary, NY Harbor Traffic Management Advisory Committee, Vessel Traffic Service, Building 333 Third floor, Governors Island, New York, NY 10004-5070; or by calling (212) 668-7429.

Dated: February 18, 1992.

R. M. Larrabee,

Captain, U.S. Coast Guard Captain of the Port New York NYHTMAC Executive Director.

[FR Doc. 92-5812 Filed 3-11-92; 8:45 am]

BILLING CODE 491-014-M

Federal Aviation Administration

[Summary Notice No. PE-92-7]

Petitions for Exemption; Summary of Petitions Received; Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemption received and of dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption (14 CFR part 11), this notice contains a summary of certain petitions seeking relief from specified requirements of the Federal Aviation Regulations (14 CFR chapter I), dispositions of certain petitions previously received, and corrections. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATES: Comments on petitions received must identify the petition docket number involved and must be received on or before April 1, 1992.

ADDRESSES: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rule Docket (AGC-10), Petition Docket No. ____, 800 Independence Avenue, SW., Washington, DC 20591.

The petition, any comments received, and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC-10), room 915G, FAA Headquarters Building (FOB 10A), 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267-3132.

FOR FURTHER INFORMATION CONTACT: Mr. C. Nick Spithas, Office of Rulemaking (ARM-1), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267-9704.

This notice is published pursuant to paragraphs (c), (e), and (g) of § 11.27 of part 11 of the Federal Aviation Regulations (14 CFR part 11).

Issued in Washington, DC, on March 6, 1992.

Denise D. Castaldo,

Manager, Program Management Staff.

Petitions for Exemption

Docket No.: 23455.

Petitioner: Reeve Aleutian Airways, Inc.

Sections of the FAR Affected: 14 CFR 121.574(a)(1), (a)(3), and (a)(4).

Description of Relief Sought: To extend Exemption No. 4292 that allows Reeve Aleutian Airways to continue to carry and operate oxygen storage and dispensing equipment for medical use by passengers requiring this medical attention as long as this equipment is furnished by a medical entity, and administered by qualified persons.

Docket No.: 26095.

Petitioner: Cochise Community College.

Sections of the FAR Affected: 14 CFR 141.65.

Description of Relief Sought: To extend Exemption No. 5225 which allows the petitioner to hold examining authority for its Flight Instructor Certification Course—Airplane Single Engine.

Docket No.: 26111.

Petitioner: American Airlines.

Sections of the FAR Affected: 14 CFR 121.133(c).

Description of Relief Sought: To extend Exemption No. 5184 which allows American Airlines to continue to use Compact Disc-Read Only Memory (CD-ROM) technology to maintain certain maintenance information and instructions for aircraft in lieu of printed page form or microfilm.

Docket No.: 26349

Petitioner: Vocational Industrial Clubs of America

Sections of the FAR Affected: 14 CFR 147.21.

Description of Relief Sought: To extend Exemption No. 5297 which allows students in aviation maintenance technician schools that are certified under the provisions of part 147 of the FAR to participate in the Vocational Industrial Clubs of America airframe and powerplant aviation skill competition at both state and national levels without the student or school being in violation of § 147.21.

Docket No.: 26691.

Petitioner: American Cyanamid Company.

Sections of the FAR Affected: 14 CFR 61.57(d) and 135.247(a)(2).

Description of Relief Sought: To allow the petitioner to operate without the recency of flight experience required by § § 61.57(d) and 135.247(a)(2).

Docket No.: 26767.

Petitioner: Continental Micronesia, Inc.

Sections of the FAR Affected: 14 CFR 121.358.

Description of Relief Sought: To allow Continental Micronesia, Inc., to delay installation of windshear equipment beyond the date specified in the regulation.

Docket No.: 26793.

Petitioner: Delta Airlines.

Section of the FAR Affected: 14 CFR 121.310(f)(5).

Description of Relief Sought/ Disposition: To allow petitioner to operate the MD-11 with a door installed in the partition between the first class and business class passenger compartments. Grant, March 4, 1992, Exemption No. 5413, until June 15, 1992, to allow Delta to operate the MD-11 under the conditions of Exemption No. 5413 during the consideration of public comments. Exemption No. 5413 is the Part 121 operating rule counterpart to Exemption No. 5405, issued to McDonnell Douglas Corporation on February 11, 1992, from 14 CFR 25.813(e), to permit installation of a door in the partition between the first class and business class passenger compartments in the MD-11 airplane.

Docket No.: 23713.

Petitioner: Simuflite Training International.

Sections of the FAR Affected: 14 CFR 6156(b)(1), 61.57(c) and (d); 6158(c)(1) and (d); 61.63(d)(2) and (3); 61.67(d)(2); 61.157(d)(1) and (d)(2) and (e)(1) and (e)(2); Appendix A of Part 61; and appendix H of part 121.

Description of Relief Sought/ Disposition: To renew Exemption No. 3931F which permits Simuflite Training International to use FAA-approved simulators to meet certain training and testing requirements of § § 61.56(b)(1), 61.57(c) and (d); 61.58(c)(1) and (d); ; 61.63(d)(2) and (3); 61.67(d)(2); 61.157(d)(1) and (d)(2) and (e)(1) and (2); Appendix A of Part 61; and Appendix H of Part 121 of the Federal Aviation Regulations.

Grant, February 28, 1992. Exemption No. 3931G.

Docket No.: 26760

Petitioner: Business Express.

Sections of the FAR Affected: 14 CFR 121.358(c)(1).

Description of Relief Sought/ Disposition: To allow Business Express to submit a request for approval of a retrofit schedule after the June 1, 1990 deadline to the Flight Standards

Division Manager in the region of the certificate holding district office.

Grant, February 24, 1992, Exemption No. 5410.

[FR Doc. 92-5726 Filed 3-11-92; 8:45am]

BILLING CODE 4910-13-M

Air Carrier/General Aviation Maintenance Subcommittee of the Aviation Rulemaking Advisory Committee; Meeting

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of meeting.

SUMMARY: The FAA is issuing this notice to advise the public of a meeting of the Federal Aviation Administration Aviation Rulemaking Advisory Committee Air Carrier/General Aviation Maintenance Subcommittee.

DATES: The meeting will be held on April 8, 1992, at 9 a.m. Arrange for oral presentations by March 30, 1992.

ADDRESSES: The meeting will be held in the Board Room, Air Transport Association, 1709 New York Avenue, NW., Washington, DC, at 9 a.m.

FOR FURTHER INFORMATION CONTACT: Ms. Jacqueline Renaud, Meeting Coordinator, Aircraft Maintenance Division, 800 Independence Avenue, SW., Washington, DC 20591, telephone (202) 267-7461.

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. app. II), notice is hereby given of a meeting of the Air Carrier/General Aviation Maintenance Subcommittee to be held on April 8, 1992. The agenda for the meeting will include reports from the working groups dealing with establishment of current standard weights for passengers and baggage, development of a notice of proposed rulemaking (NPRM) for part 65 of the Federal Aviation Regulations (FAR), development of an NPRM for reporting requirements of §§ 121.703 and 121.705 of the FAR, development of an advisory circular for Special Federal Aviation Regulation (SFAR) 36, and development of an NPRM and advisory circular for maintenance recordkeeping and retention of records.

Attendance is open to the interested public but may be limited to the space available. The public must make arrangements on or before March 30, 1992, to present oral statements at the meeting. Written statements (75 copies) may be presented to the committee at any time through the meeting coordinator. Arrangements may be made by contacting the meeting coordinator listed under the heading "**FOR FURTHER INFORMATION CONTACT.**"

Issued in Washington, DC, on March 5, 1992.

William J. White,

Executive Director, Air Carrier/General Aviation Maintenance Subcommittee, Aviation Rulemaking Advisory Committee.

[FR Doc. 92-5760 Filed 3-11-92; 8:45 am]

BILLING CODE 4910-13-M

Federal Highway Administration

Environmental Impact Statement; Wayne and Mingo Counties, WV

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed highway project in Wayne and Mingo Counties, West Virginia.

FOR FURTHER INFORMATION CONTACT: Billy R. Higginbotham, Division Administrator, Federal Highway Administration, 550 Eagan Street, suite 300, Charleston, West Virginia 25301, Telephone: (304) 347-5928.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the West Virginia Division of Highways, will prepare an environmental impact statement (EIS) on a proposal to improve US Route 52 (US 52) in Wayne and Mingo Counties, West Virginia. The proposed improvement would involve the construction of a four-lane, partial access roadway, either on existing or new alignment, between the towns of Kenova and Nolan for a distance of about 60 miles.

Improvements in the area are considered necessary due to existing and projected heavy truck volumes, and due to the number of fatal accidents on US 52. Alternates under consideration include (1) taking no action; (2) where possible, widening the existing two-lane highway to four lanes; and (3) constructing a four-lane, partial access highway on new location. Incorporated into and studied with the various build alternatives will be design variations of grade and alignment.

A scoping meeting will be scheduled for this project. Letters describing the proposed action and soliciting comments will be sent to appropriate Federal, State and local agencies, and to private organizations and citizens who have previously expressed, or are known to have, interest in this proposal. Public meetings and public hearings will be held. Public notice will be given of the times and places for the meetings and hearings. The draft EIS will be available for public and agency review and comment prior to the hearing.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identifies, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA at the address provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation of Federal programs and activities to this program.)

Billy R. Higginbotham,

Division Administrator.

[FR Doc. 92-5802 Filed 3-11-92; 8:45 am]

BILLING CODE 4910-22-M

Federal Railroad Administration

[BS-AP-No. 3087]

Washington Central Railroad Co.; Public Hearing

The Washington Central Railroad Company has petitioned the Federal Railroad Administration (FRA) seeking approval of the following:

1. The discontinuance and removal of the automatic block signal system consisting of 50 automatic signals between Kennewick, Washington, milepost 1.7 and Union Gap, Washington, milepost 84.4, and

The removal of two slide fences and two associated signals, one at milepost 31.0 and the other at milepost 36.0.

This proceeding is identified as FRA Block Signal Application Number 3087.

The FRA has issued a public notice seeking comments of interested parties and conducted a field investigation in this matter. After examining the carrier's proposal and the available facts, the FRA has determined that a public hearing is necessary before a final decision is made on this proposal.

Accordingly, a public hearing is hereby set for 10 a.m. on Thursday, April 23, 1992, in Council Chambers, on the first floor of Yakima City Hall located at 129 North Second Street in Yakima, Washington.

Interested parties are invited to present oral statements at the hearing.

The hearing will be an informal one and will be conducted in accordance with rule 25 of the FRA Rules of Practice (49 CFR 211.25), by a representative designated by the FRA.

The hearing will be a nonadversary proceeding and, therefore, there will be no cross-examination of persons presenting statements. The FRA representative will make an opening statement outlining the scope of the hearing. After all initial statements have been completed, those persons wishing to make brief rebuttal statements will be given the opportunity to do so in the same order in which they made their initial statements. Additional procedures, if necessary for the conduct of the hearing, will be announced at the hearing.

Issued in Washington, DC on March 3, 1992.

Phil Olekszyk,

Deputy Associate Administrator for Safety.

[FR Doc. 92-5746 Filed 3-11-92; 8:45 am]

BILLING CODE 4910-06-M

Maritime Administration

[Docket S-889]

Mormac Marine Transport, Inc.; Application for Permission Under Section 805(a) of the Merchant Marine Act, 1936, as Amended

By letter dated March 9, 1992, Mormac Marine Transport, Inc. (formerly Moore-McCormack Bulk Transport, Inc.), (Mormac) has requested pursuant to section 805(a) of the Merchant Marine Act, 1936, as amended (Act), and Article II-13 of Operating-Differential Subsidy Agreement (ODSA), Contract No. MA/MSB-295, written permission to expand the scope of domestic operations permitted under the ODSA MA/MSB-295 to include the management and operation of the vessel *M/V George A. Stinson* for Stinson, Inc. pursuant to a management agreement to be entered into between The Interlake Steamship Company (Interlake), Interlake Holding Company (Interlake Holding) and Stinson, Inc., (Stinson).

Mormac states that Mormac is owned by Mormac Marine Group, Inc. (Mormac Marine). Interlake is owned by Interlake Holding and owns and operates vessels in the domestic coastwise Great Lakes service. Lakes Shipping Company, Inc. (Lakes) is also involved in the domestic coastwise Great Lakes service. Mormac Marine, Interlake Holding and Lakes have common ownership as well as common officers and directors. Approval for such common ownership, officers and directors was granted pursuant to section 805(a) on March 23, 1987, as amended by permissions granted on August 3, 1988, and March 23, 1989.

Pursuant to a management agreement to be entered into between Stinson, Interlake Holding and Interlake, Interlake will become the manager of the self-unloading cargo vessel, the *M/V George A. Stinson*. This vessel will be used exclusively in service to the Great Lakes in the same manner as its current service. The vessel will be used primarily to carry iron ore for National Steel Corporation. The vessel does not operate in the competitive market on the Great Lakes. Since the vessel will essentially continue its services as it has been used by Stinson, the management of this vessel by Interlake will not result in any change in competitve conditions for U.S.-flag vessels providing service on the Great Lakes. In addition, Interlake and Mormac are entirely separate corporate entities that will maintain separate and discreet accounts so there will be no issue of subsidy leakage. Furthermore, the only benefit which Interlake will receive of the operation of the vessel will be a fixed management fee, and all other benefits of operations will redound to Stinson.

No U.S.-flag competitor of the vessel will be subject to any changed circumstances or unfair competition as a result of the change in management of the vessel, nor will the operation of the vessel by an affiliate of Mormac be prejudicial to the purposes and policies of the Act.

Mormac is requesting that the scope of domestic operations permitted under ODSA MA/MSB-295 be modified to incorporate the management and operation of the vessel.

Mormac states that Interlake will assume the management responsibilities of the vessel at the commencement of the 1992 shipping season. The vessel is scheduled to be brought out for service on March 28, 1992.

Any person, firm, or corporation having any interest in the application for section 805(a) permission and desiring to submit comments concerning the application must file written comments in triplicate, to the Secretary, Maritime Administration, room 7300, Nassif Building, 400 Seventh Street, SW., Washington, DC 20590, by close of business p.m. on March 20, 1992. If such comments deal with section 805(a) issues, they should be accompanied by a petition for leave to intervene. The petition should state clearly and concisely the grounds of interest and the alleged facts relied on for relief.

If no petitions for leave to intervene on section 805(a) issues are received within the specified time, or if it is determined that petitions filed do not demonstrate sufficient interest to warrant a hearing, the Maritime Administration will take such action as may be deemed appropriate.

In the event petitions regarding the relevant section 805(a) issues are received from parties with standing to be heard, a hearing will be held, the purpose of which will be to receive evidence under section 805(a) relative to whether the proposed operations (a) could result in unfair competition to any person, firm, or corporation operating exclusively in the coastwise or international service, or (b) would be prejudicial to the objects and policy of the Act relative to domestic operations.

(Catalog of Federal Domestic Assistance Program Nos. 20.804 Operating-Differential Subsidies (ODS)).

By order of the Maritime Administrator.

Dated: March 10, 1992.

James E. Saari,

Secretary.

[FR Doc. 92-5964 Filed 3-11-92; 8:45 am]

BILLING CODE 4910-81-M

DEPARTMENT OF THE TREASURY

Treasury Advisory Committee on Commercial Operations of the U.S. Customs Service

AGENCY: Department Offices, Treasury.

ACTION: Notice of meeting.

SUMMARY: This notice announces the date of the next meeting and on Commercial Operations of the U.S. Customs Service.

DATE: The next meeting of the Treasury Advisory Committee on Commercial Operations of the U.S. Customs Service will held on Friday, March 27, 1992 at 9:30 a.m. in room 4121, U.S. Treasury Department, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Dennis M. O'Connell, Director, Office of Tariff and Trade Affairs, Office of the Assistant Secretary (Enforcement), room 4004, Department of the Treasury, 1500 Pennsylvania Avenue, NW., Washington, DC 20220. Tel.: (202) 566-8435.

SUPPLEMENTARY INFORMATION: Agenda items for the fifth meeting of the Treasury Advisory Committee on Commercial Operations of the U.S. Customs Service on March 27, 1992 will include:.

I. Old Business

1. The Customs Modernization Act and the Joint Industry Group legislative initiatives.

2. Update on the North American Free Trade Area negotiations.

3. Increase in the Merchandise Processing Fee.
4. Harbor Maintenance Fee Issues.
5. H.R. 2731—Customs Liability under the Tort Claims Act.
6. Customs' Office of Organizational Effectiveness.
7. Inspector Shift Changes.

II. New Business

1. Presidential Initiative to Reduce Regulatory Burdens.
2. The Pre-Importation Review Program.
3. Standardization of Invoice Information.
4. Customs Efforts to Promote Conversion to EDIFACT.
5. Modification of Custom's Automated Broker Interface to Include U.S. Military Documentation.
6. Dutiability of Movement of Goods between Foreign Trade Zones prior to Entry.

The agenda may be modified prior to the meeting date.

The meeting is open to the public. Owing to the security procedures in place at the Treasury Building, it is necessary for any person other than an Advisory Committee member who wishes to attend the meeting to give advance notice. In order to be admitted to the building to attend the meeting, please notify Ms. Theresa Manning or Ms. Helen Belt at (202) 566–8435, no later than Friday, March 20, 1992.

Dated: March 6, 1992.

Peter K. Nunez,

Assistant Secretary, (Enforcement).

[FR Doc. 92–5733 Filed 3–11–92; 8:45 am]

BILLING CODE 4810–25–M

UNITED STATES INFORMATION AGENCY

El Salvador; Determination To Extend Emergency Ban on Pre-Hispanic Material Originating in the Cara Sucia Archaeological Region

AGENCY: United States Information Agency.

ACTION: Determination to extend emergency ban on pre-Hispanic material originating in the Cara Sucia Archaeological Region, El Salvador.

Convention on Cultural Property Implementation Act (Pub. L. 97–446); Import Ban on Archaeological Material from El Salvador. Pursuant to the authority vested in me under Executive Order 12555 and Delegation Order No. 86–3 of March 18, 1986 [51 FR 10137], I hereby find:

Pursuant to the requirements of section 304(c)(3) of the Act, 19 U.S.C. 2603(c)(3), with respect to the extension of an emergency import ban on pre-Hispanic material originating in the Cara Sucia Archaeological Region of El Salvador; and consistent with the favorable recommendation received from the Cultural Properly Advisory Committee; and pursuant to the emergency provision under section 304(a)(2), 19 U.S.C. 2603(a)(2),—

(1) That the material is archaeological and identifiable as coming from sites within the Cara Sucia Archaeological Region recognized to be of high cultural significance—that the sites in the Cara Sucia Archaeological Region represent a continuum of Mesoamerican civilization from the pre-Classic period into the 18th century and some sites may have a relationship to early pre-Classic sites in other parts of Central America lending archaeological significance to the Region;

(2) That the Cara Sucia Archaeological Region continues to be in jeopardy from pillage, which is, or threatens to be of crisis proportions—that apparent low-level pillage continues in the Cara Sucia Archaeological Region; that there is evidence of pillage in areas adjacent to the Region, in areas around the significant site of El Ceren in northern El Salvador, and at sites in the western part of the country; that an ambience conducive to further looting continues to exist in El Salvador, thereby posing a continuing threat of crisis proportions to the Cara Sucia Archaeological Region which has already suffered extensive irreversible depredation;

(3) That the emergency import ban would continue, on a temporary basis, in whole or in part, to reduce the incentive for pillage—that the emergency import ban has resulted in an apparent decline in the level of looting of the Cara Sucia Archaeological Region.

Determination

Now, therefore, in accordance with the aforementioned authority vested in me, and pursuant to section 304(c)(3) of the Act, 19 U.S.C. 2603(c)(3), I hereby determine:

(1) That the emergency condition continues to apply with respect to the pre-Hispanic archaeological material originating in the Cara Sucia Archaeological Region of El Salvador;

(2) That the emergency import ban that went into effect on March 13, 1987, is extended for a period of three more years effective March 13, 1992.

Dated: March 6, 1992.

Eugene P. Kopp,

Deputy Director, United States Information Agency.

[FR Doc. 92–5833 Filed 3–11–92; 8:45 am]

BILLING CODE 8230–01–M

DEPARTMENT OF VETERANS AFFAIRS

Privacy Act of 1974; Amendment of Systems of Records Notice

AGENCY: Department of Veterans Affairs.

ACTION: Notice.

The Privacy Act of 1974, 5 U.S.C. 522a(e)(4), requires that all agencies publish in the **Federal Register** a notice of the revision of their systems of records. Notice is hereby given that the Department of Veterans Affairs (VA) is revising an existing systems of records, "Representatives' Fee Agreement Records System—VA" (81VA01).

In *In the Matter of the Fee Agreement of William G. Smith in Case Number 90–58,* U.S. Vet. App. No. 91–619 (Oct. 7, 1991), the United States Court of Veterans Appeals held that the Chairman of the Board of Veterans' Appeals may not be the sole reviewer of representatives' fee agreements, but that such agreements may only be reviewed by a section of the Board. This change in procedure necessitates a change in the flow within VA of documents relating to the review of fees and expenses which representatives charge to VA claimants/appellants. This change in document flow, in turn, necessitates revision of document safeguard procedures. This notice serves to inform the public of the changes in those procedures, as well as to update two citations to reflect recent changes in the numbering of Title 38 of the United States Code, to reflect a modification in the description of categories of records in the system, and to correct the title of the system manager.

Two typographical errors in the notice of the establishment of this system of records at 56 FR 18875 ("attorneys-aw-law" under the heading "CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM" and "applied" versus the correct "appealed" in paragraph 1 under the heading "ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:") have been corrected.

Interested persons are invited to submit written comments, suggestions, or objections regarding the revised

system of records to the Secretary of Veterans Affairs (271A), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420. All relevant material received before April 13, 1991, will be considered. All written comments received will be available for public inspection in room 170 at the above address only between 8 a.m. and 4:30 p.m., Monday through Friday (except holidays) until April 21, 1992.

If no public comment is received during the 30-day review period allowed for public comment, or unless otherwise published in the **Federal Register** by VA, the amendments to 81VA01 included herein are effective April 13, 1992.

Approved: March 5, 1992.

Edward J. Derwinski,

Secretary of Veterans Affairs.

Notice of Amendment to System of Records

The system identified as 81VA01, "Representatives' Fee Agreement Records System—VA", 56 FR 18874, is amended to read as follows:

81VA01

SYSTEM NAME:

Representatives' Fee Agreement Records System—VA.

* * * * *

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

* * * before the Department; the attorneys-at-law and agents who represent them; and * * *.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records in the system include copies of written fee agreements, documents relating to the filing and review of fee agreements, and magnetic media computer records. The computer * * *.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

38 U.S.C. 5904.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

1. Disclosure may be made to the United States Court of Veterans Appeals when an order of the Board has been appealed to that Court in accordance with the provisions of 38 U.S.C. 5904(c)(2).

* * * * *

SAFEGUARDS:

Files are under the custody of designated VA employees, with access limited to employees who have a need to know the contents of the system of records in order to perform their duties. No personal identifiers are used in statistical and management reports and personal identifiers are removed from all records in this system before they are made available to the public by VA.

* * * * *

SYSTEM MANAGER AND ADDRESS:

Chairman (01), Board of Veterans' Appeals, 810 Vermont Avenue, NW, Washington, DC. 20420.

* * * * *

[FR Doc. 92-5752 Filed 3-11-92; 8:45 am]

BILLING CODE 8320-01

Sunshine Act Meetings

Federal Register
Vol. 57, No. 49
Thursday, March 12, 1992

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 3:00 p.m. on Sunday, March 8, 1992, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session to consider a proposed settlement of litigation relating to Michael R. Milken and other individuals.

In calling the meeting, the Board determined, on motion of Director C.C. Hope, Jr. (Appointive), seconded by Vice Chairman Andrew C. Hove, Jr., concurred in by Chairman William Taylor and Ms. Judith A. Walter, acting in the place and stead of Director Stephen R. Steinbrink (Acting Comptroller of the Currency), that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting by authority of subsections (c)(2), (c)(6), (c)(9)(B), and (c)(10) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(2), (c)(6), (c)(9)(B), and (c)(10)).

The meeting was held in the Board Room of the FDIC Building located at 550–17th Street, N.W., Washington, D.C.

Dated: March 10, 1992.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Deputy Executive Secretary.

[FR Doc. 92–5936 Filed 3–10–92; 11:45 am]

BILLING CODE 6714–0–M

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 8:03 a.m. on Monday, March 9, 1992, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session to consider a proposed settlement of litigation relating to Michael R. Milken and other individuals.

In calling the meeting, the Board determined, on motion of Director C.C. Hope, Jr. (Appointive), seconded by Director T. Timothy Ryan, Jr. (Office of Thrift Supervision), concurred in by Vice Chairman Andrew C. Hove, Jr., Director Stephen R. Steinbrink (Acting Comptroller of the Currency), and Chairman William Taylor, that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting by authority of subsections (c)(2), (c)(6), (c)(9)(B), and (c)(10) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(2), (c)(6), (c)(9)(B), and (c)(10)).

The meeting was held in the Board Room of the FDIC Building located at 550–17th Street, N.W., Washington, D.C.

Dated: March 10, 1992.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Deputy Executive Secretary.

[FR Doc. 92–5937 Filed 3–10–92; 11:45 am]

BILLING CODE 6714–0–M

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

TIME AND DATE: 10:00 a.m., Wednesday, March 18, 1992.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, NW., Washington, DC 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452–3204. You may call (202) 452–3207, beginning at approximately 5 p.m. two business days before this meeting, for a recorded announcement of bank and bank holding company applications scheduled for the meeting.

Dated: March 10, 1992.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 92–5989 Filed 3–10–92; 3:14 pm]

BILLING CODE 6210–01–M

federal register

Thursday
March 12, 1992

Part II

Department of Education

Rehabilitation Long-Term Training; Final Priorities and Invitation for Applications for New Awards for Fiscal Year 1992; Notices

DEPARTMENT OF EDUCATION

Rehabilitation Long-Term Training

AGENCY: Department of Education.

ACTION: Notice of final priorities for Fiscal Year 1992.

SUMMARY: The Secretary announces priorities for fiscal year 1992 under the Rehabilitation Long-Term Training program. The Secretary takes this action to focus Federal financial assistance on academic and non-academic training in areas of personnel shortages in the field of rehabilitation, as identified through data collection, analysis, needs assessments, and professional literature. These priorities are intended to increase the number of qualified rehabilitation professionals serving the State-Federal program of vocational rehabilitation (VR) for individuals with disabilities.

The Rehabilitation Long-Term Training program and these final priorities support AMERICA 2000, the President's strategy for moving the Nation toward the National Education Goals, by providing training for vocational rehabilitation personnel to upgrade their skills and thereby assist individuals with disabilities in improving their skills. National Education Goal 5 specifically calls for every adult American to be literate and to possess the knowledge and skills necessary to compete in a global economy and exercise the rights and responsibilities of citizenship.

EFFECTIVE DATES: These priorities take effect either 45 days after publication in the Federal Register or later if the Congress takes certain adjournments. If you want to know the effective date of these priorities, call or write the Department of Education contact person.

FOR FURTHER INFORMATION CONTACT: Dr. Richard Melia, U.S. Department of Education, 400 Maryland Avenue, SW., room 3324 Switzer Building, Washington, DC 20202–2649. Telephone: (202) 732–1400. Deaf and hearing impaired individuals may call the Federal Daul Party Relay Service at 1–800–877–8339 (in the Washington, DC 202 area code, telephone 708–9300) between 8 a.m. and 7 p.m. Eastern time.

SUPPLEMENTARY INFORMATION:

The Rehabilitation Long-Term Training program is authorized by Title III, section 304 of the Rehabilitation Act of 1973, as amended. Under this discretionary grant program, Federal support may be provided for the purpose of academic and non-academic training in areas of personnel shortages relating to the provision of vocational, medical, social, and psychological rehabilitation services.

The Rehabilitation Long-Term Training program provides financial assistance for—(1) projects that provide basic or advanced training leading to an academic degree in designated fields of study related to vocational rehabilitation; (2) projects that provide a number of interrelated training activities designed to improve the professional competence of employed rehabilitation workers in one of the designated fields but not directly related to the awarding of an academic degree; (3) projects that provide undergraduate medical students with an orientation to the concepts and techniques of rehabilitation medicine; and (4) projects that provide support for medical residents enrolled in residency training programs in the specialty of physical medicine and rehabilitation.

On November 22, 1991 the Secretary published a notice of proposed priorities for this program in the **Federal Register** [56 FR 59164].

Note: This notice of final priorities does not solicit applications.

Analysis of Comments and Changes

In response to the Secretary's invitation in the notice of proposed priorities, eight parties submitted comments. An analysis of the comments follows. Please note that this section addresses only those proposed priorities on which substantive comments were received or priorities that have been substantively changed as a result of the Secretary's review. Technical and other minor changes—and suggested changes the Secretary is not legally authorized to make under the applicable statutory authority—are not addressed.

Absolute Priority 2—Client Assistance—Projects of National Scope

Comments: Two of the commenters recommended that training to Client Assistance Program (CAP) personnel should be provided by an agency or organization that has demonstrated experience in this area.

Discussion: With regard to the agency or organization that will provide training to CAP personnel, the Secretary does not want to limit the applicants for this category. Selection criteria for these projects in 34 CFR 385.32(b), 385.32(e), 386.30(b), and 386.30(e) require that the applicant demonstrate the quality of key personnel and adequacy of resources to carry out the program. In addition, 34 CFR 385.33(b) allows the Secretary to consider the past performance of an applicant in carrying out similar projects.

Changes: None.

Comments: Six commenters suggested that CAP program personnel receive on-going technical assistance. In addition, four of the parties recommended that a center be specifically established to provide the technical assistance.

Discussion: Under the long-term training program a grantee is not prohibited from providing technical assistance to CAP personnel. However, the provision of technical assistance with regard to compliance with Federal mandates for CAP programs is the responsibility of the Rehabilitation Services Administration (RSA) through its regional offices. Additionally, the provision of technical assistance by a long-term training grantee would not encompass the use of on-site "peer reviews" since on-site monitoring is also the role of the RSA regional offices.

In addition, the regulations governing the Rehabilitation Long-Term Training program in 34 CFR part 386 do not permit funds to be used for the establishment of a center for technical assistance.

Changes: None.

Comments: One commenter noted the need to coordinate training and technical assistance activities funded by RSA with similar training and technical assistance activities funded by the National Institute of Mental Health and the Administration on Developmental Disabilities.

Discussion: RSA already coordinates and exchanges information with the Administration on Developmental Disabilities and the National Institute of Mental Health through its participation on the Advocacy Subcommittee of the Interagency Committee on Developmental Disabilities.

Changes: None.

Comments: One commenter suggested that the training provided to the CAP personnel include information about specific disabilities as well as the latest information on technology and equipment.

Discussion: The training proposed for CAP personnel in the notice of proposed priorities published in the **Federal Register** (56 FR 59164) on November 22, 1991, was based on input on training needs from CAP agencies. The CAPs will be able to identify other specific training needs in RSA's 1992 training needs assessment.

Changes: None.

Priorities

Under 34 CFR 75.105(c)(3) and 34 CFR 386.1, the Secretary gives an absolute preference to applications that meet one of the following priorities. The Secretary funds under these competitions only

applications that meet one of these absolute priorities:

Absolute Priority 1—Rehabilitation Counseling—Doctoral Level Programs

Background

The 1989 National Survey of Personnel Shortages and Training Needs in Vocational Rehabilitation study by Pelavin Associates (September, 1989) identified significant shortages of rehabilitation counselors employed by State VR agencies and other service providers. The study recommended targeting training for rehabilitation counseling as a major priority. At the Department of Education public meeting on the Rehabilitation Training Program (May 9, 1991), several presenters (State agencies and universities) indicated that faculty available to train new counselors is dwindling in number. Many of the master's level programs in Rehabilitation Counseling began over 25 years ago, and many of the faculty and department heads are nearing retirement. Therefore, doctoral level Rehabilitation Counseling programs are needed to train a new generation of faculty and administrators for university-based programs as well as State VR agencies and other related agencies and nonprofit organizations servicing individuals with severe disabilities.

Priority

Projects must prepare doctoral graduates to serve as faculty in institutions training vocational rehabilitation professionals for service in the State-Federal VR program and prepare doctoral graduates to serve in leadership positions in the State-Federal VR program. Programs must include training in teaching skills, research, and rehabilitation administration.

Absolute Priority 2—Client Assistance—Projects of National Scope

Background

Client Assistance Programs (CAPs) are authorized under section 112 of the Rehabilitation Act of 1973, as amended (Act), and the regulations in 34 CFR part 370 to—(1) provide assistance in informing and advising individuals who are seeking or receiving services under the Act of all available benefits under the Act; (2) assist those individuals in their relationships with projects, programs, and facilities providing services to them under the Act; and (3) provide information on available services under the Act to any individual with a disability in the State. In addition, CAPs are authorized to help individuals with disabilities understand rehabilitation services programs under the Act; help individuals with disabilities by pursuing, or assisting them in pursuing, legal, administrative, and other available remedies if necessary to ensure the protection of their rights under the Act; advise State and other agencies of identified problem areas in the delivery of rehabilitation services to individuals with disabilities and suggest methods and means of improving agency performance; and provide information to the public concerning the client assistance program.

The Department of Education public meeting on the Rehabilitation Training Program (May 9, 1991) and written comments received in response to a notice in the **Federal Register** (May 1, 1991) included statements regarding the training needs of CAP personnel. These needs included additional training in topic areas such as client and counselor issue identification; analysis of service delivery problems; problem-solving; mediation, negotiation, and dispute resolution; and techniques to address system-level issues.

Priority

Projects must provide training to administrative and service delivery personnel employed by CAPs in areas related to the needs identified in the background section of this priority. Projects must be national in scope. Projects can provide training through a national seminar or workshop or a structured series or regional seminars of workshops.

Absolute Priority 3—Other Fields Contributing to the Rehabilitation of Individuals With Handicaps, Especially Individuals With Severe Handicaps, Including Homebound or Institutionalized Individuals—National Clearinghouse of Rehabilitation Training Materials

Background

RSA has funded a clearinghouse for rehabilitation training materials since 1961. Over the years, the clearinghouse has facilitated the development and dissemination of material with potential use in the training of rehabilitation personnel. Regulations for the Rehabilitation Training Program in 34 CFR 385.42 state that "a set of any training materials developed under the Rehabilitation Training Program must be submitted to any information clearinghouse designated by the Secretary." The project awarded under this priority will be designated to receive training materials developed during the project's duration. Users of the clearinghouse cover the range of rehabilitation professionals, but most frequently include State VR agency personnel, other rehabilitation counselors, rehabilitation educators, and rehabilitation facility personnel.

Priority

Projects must establish a national clearinghouse of rehabilitation training materials. Projects must—(1) identify and gather rehabilitation information and training materials for use in preparing pre-service and post-employment education and training for rehabilitation personnel; and (2) disseminate, in a cost-effective manner, rehabilitation information and training materials for use in preparing pre-service and post-employment training education and training for rehabilitation personnel.

Intergovernmental Review

This program is subject to the requirements of Executive Order 12372 and the regulations in 34 CFR part 79. The objective of the Executive order is to foster an intergovernmental partnership and a strengthened federalism by relying on processes developed by State and local governments for coordination and review of proposed Federal financial assistance.

In accordance with the order, this document is intended to provide early notification of the Department's specific plans and actions for this program.

Applicable Program Regulations: 34 CFR parts 385 and 386.

Program Authority: 29 U.S.C. 774.

(Catalog of Federal Domestic Assistance Number 84.129, Rehabilitation Long-Term Training)

Dated: March 3, 1992.

Lamar Alexander,

Secretary of Education.

[FR Doc. 92-5748 Filed 3-11-92; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF EDUCATION

[CFDA No. 84.129]

Rehabilitation Long-Term Training; Notice Inviting Applications for New Awards for Fiscal Year (FY) 1992

Purpose of Program: To provide grants to increase the supply of qualified personnel available for employment in public and private agencies and institutions involved in the vocational rehabilitation and independent living rehabilitation of individuals with disabilities, especially those individuals

with the most severe disabilities, and to maintain and upgrade the skills and knowledge of personnel employed as providers of vocational, social, or psychological rehabilitation services.

The Rehabilitation Long-Term Training program supports AMERICA 2000, the President's strategy for moving the Nation toward the National Education Goals, by providing training for vocational rehabilitation personnel to upgrade their skills and thereby assist individuals with disabilities in improving their skills. National Education Goal 5 specifically calls for every adult American to be literate and to possess the knowledge and skills necessary to compete in a global economy and exercise the rights and responsibilities of citizenship.

Eligible Applicants: State agencies and other public or nonprofit agencies and organizations, including institutions of higher education, are eligible to apply for awards under this program.

Deadline for Transmittal of Applications: May 8, 1992.

Deadline for Intergovernmental Review: July 8, 1992.

Applications Available: March 19, 1992.

Available Funds: $700,000.

Awards are to be made in three absolute priority categories. Specific information regarding the available funds, estimated average size of awards, estimated number of awards, and estimated range of awards for each category appears in the chart in this notice.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 36 months.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 80, 81, 82, 85, and 86; and (b) the regulations for this program in 34 CFR parts 385 and 386.

Priorities: The priorities in the notice of the final priorities for this program, as published elsewhere in this issue of the **Federal Register**, apply to these competitions.

For Applications or Information Contact: Bruce Rose, U.S. Department of Education, 400 Maryland Avenue, SW., room 3320, Switzer Building, Washington, DC 20202–2649. To request an application, call (202) 732–1325. Deaf and hard of hearing persons may call the Federal Dual Party Relay Service at 1–800–877–8339 (in the Washington, DC 202 area code, telephone 708–9300) between 8 a.m. and 7 p.m., Eastern time.

Program Authority: 29 U.S.C. 774.

Dated: March 6, 1992.

Robert R. Davila,

Assistant Secretary, Office of Special Education and Rehabilitative Services.

REHABILITATION LONG-TERM TRAINING

CFDA No.	Categories	Available funds	Estimated average size of awards	Estimated number of awards	Estimated range of awards
84.129B–3	Rehabilitation counseling—doctoral level program	$300,000	$60,000	5	$50,000–70,000
84.129S	Other fields contributing to the rehabilitation of individuals with handicaps, especially individuals with severe handicaps, including homebound or institutionalized individuals—national clearinghouse of rehabilitation training materials.	200,000	200,000	1	200,000
84.129S–3	Client assistance—projects of national scope	200,000	100,000	2	90,000–110,000

[FR Doc. 92–5749 Filed 3–11–92; 8:45 am]

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federal register

Thursday
March 12, 1992

Part III

Department of Commerce

International Trade Administration

Countervailing Duties: Softwood Lumber Products From Canada; Notice

DEPARTMENT OF COMMERCE

International Trade Administration

[C-122-816]

Preliminary Affirmative Countervailing Duty Determination: Certain Softwood Lumber Products From Canada

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

EFFECTIVE DATE: March 12, 1992.

SUMMARY: We preliminarily determine that benefits which constitute subsidies within the meaning of the countervailing duty law are being provided to manufacturers, producers or exporters in Canada of certain softwood lumber products, as described in the "Scope of Investigation" section of this notice. The estimated net subsidy is 14.48 percent *ad valorem*.

FOR FURTHER INFORMATION CONTACT: Bernard Carreau or Kelly Parkhill, Office of Countervailing Compliance, Import Administration, U.S. Department of Commerce, room B099, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone (202) 377-2786.

Preliminary Determination

Case History

Since the publication of the Self-Initiation of Countervailing Duty Investigation: Certain Softwood Lumber Products From Canada (Notice of Self-Initiation) 56 FR 56055 (October 31, 1991), and Notice of Amendment to Self-Initiation of Countervailing Duty Investigation 56 FR 56058 (October 31, 1991), in the **Federal Register** the following events have occurred. On November 8, 1991, we issued a questionnaire to the Government of Canada (GOC) in Washington, DC concerning Canadian stumpage programs. At the GOC's request, we extended the due date for the questionnaire responses until December 13, 1991.

On December 27, 1991, the International Trade Commission (ITC) announced its preliminary determination that imports of certain softwood lumber products from Canada materially injure a U.S. industry. Softwood Lumber from Canada (56 FR 67099).

On December 13, 1991, we received responses from the GOC on behalf of the Northwest Territories and Yukon Territory (the Territories) and the provincial Governments of Alberta, British Columbia (BC), Manitoba, Ontario, Quebec, and Saskatchewan. On December 20, 1991, we presented the GOC with supplemental/deficiency questionnaires concerning federal and provincial responses. At the GOC's request, we extended the due date for the supplemental/deficiency questionnaire responses until January 9, 1992.

On December 3 and 13, 1991, the Coalition for Fair Lumber Imports (the Coalition), an interested party representing the U.S. industry, alleged that log export restrictions in BC, and Alberta, Ontario, and Quebec, respectively, constitute subsidies within the meaning of the countervailing duty law. On December 23, 1991, we found that these allegations contained sufficient information for the Department to investigate whether such export restrictions constitute subsidies. On December 24, 1991, we issued a questionnaire to the GOC concerning the log export restrictions in these provinces. At the request of the GOC, we extended the due date for these responses until January 21, 1992. On January 27, 1992, we issued a supplemental/deficiency questionnaire concerning log export restrictions and an additional supplemental/deficiency questionnaire concerning provincial stumpage programs to the GOC. At the request of the GOC, we extended the due date for this response until February 10, 1992.

Pursuant to 19 CFR 355.15(b), we postponed the preliminary determination for 30 days, until February 24, 1992, because we found this investigation to be extraordinarily complicated, 57 FR 397 (January 6, 1992). On February 4, 1992, we determined that additional time was necessary to make our preliminary determination and postponed the preliminary determination an additional 10 days until March 5, 1992, 57 FR 4989 (February 11, 1992).

Company Exclusion Requests

On December 9, 1991, 334 companies, claiming not to have benefitted from any net subsidy, requested exclusion from any possible countervailing duty order in this case. Under 19 CFR 355.14(c), the Department is required to investigate requests for exclusion to the extent practicable.

We found that investigating 334 company exclusion requests was impracticable. However, we determined that one category of companies seeking exclusion would not pose an extraordinary administrative burden: Companies that produce lumber solely from U.S.-origin logs. We identified 11 companies that properly certified that they produce lumber solely from U.S.-origin logs. (See Decision Memorandum, Company Exclusions, January 17, 1992, in the public file, room B099, of the Department of Commerce.) On January 17, 1992, we presented the GOC with questionnaires concerning the volume and value of U.S.-origin logs purchased by these 11 companies.

On January 31, 1992, we received the 11 requested exclusion questionnaire responses from the GOC. The GOC also submitted 13 unsolicited exclusion responses. These additional responses were among those originally certified by the GOC and included companies that, because they purchased insignificant amounts of non-U.S.-origin logs, may have received no net subsidy during the period of investigation (POI).

We reviewed the responses (both the 11 requested and the 13 unrequested) and calculated a subsidy rate for the companies by applying an estimated country-wide rate (7.30 percent), based on the individual provincial rates in our Notice of Self-Initiation, to the percentage of a company's purchases of private logs, Crown logs, and Crown lumber. If a company had a *de minimis* rate (*i.e.*, below 0.5 percent), we concluded that it was eligible for further consideration. (See Decision Memorandum, Company Exclusion Requests, February 24, 1992, in the public file, room B099, the Department of Commerce.)

On February 25, 1992, we presented a supplemental exclusion questionnaire to the GOC requesting additional information from 14 of the 24 companies. Based on our analysis, the other 10 companies no longer warranted consideration. We received responses to this questionnaire on March 2, 1992.

Based on our review of the responses and certifications received, we have preliminarily excluded six companies from this investigation. In determining which companies to preliminarily exclude, we first identified those companies which used only U.S.-origin logs in their lumber production during the POI. There were four such companies. However, one of these companies did not export the subject merchandise to the United States during the POI. Therefore, three companies which used U.S.-origin logs only have been preliminarily excluded. Next, we identified those companies which purchased both U.S.-origin logs as well as non-U.S.-origin logs and lumber. For these companies we calculated a weighted-average subsidy rate. This rate was calculated by applying the subsidy rate as calculated for this preliminary determination to the value of each company's purchases of private logs, Crown logs, and Crown lumber, and a

zero rate to the value of each company's purchases of U.S.-origin logs. If, after summing these two rates, a company had an overall *de minimis* subsidy rate, it was preliminarily excluded. All other respondents requesting exclusions (i.e., those companies with rates above *de minimis*) were not excluded.

The names of the companies preliminarily excluded are listed in the "Suspension of Liquidation" section of this notice. The final decision on exclusion of these companies will depend on verification of the submitted information and the final subsidy rate determined.

We have adjusted our country-wide rate and the appropriate provincial rate calculations to remove the effect of the companies we have preliminarily excluded.

Scope of Investigation

The products covered by this investigation are: (1) Coniferous wood, sawn or chipped lengthwise, sliced or peeled, whether or not planed, sanded or finger-jointed, of a thickness exceeding six millimeters; (2) coniferous wood siding (including strips and friezes for parquet flooring, not assembled) continuously shaped (tongued, grooved, rabbitted, chamfered, V-jointed, beaded, molded, rounded or the like) along any of its edges or faces, whether or not planed, sanded or finger-jointed; (3) other coniferous wood (including strips and friezes for parquet flooring, not assembled) continuously shaped (tongued, grooved, rabbitted, chamfered, V-jointed, beaded, molded, rounded or the like) along any of its edges or faces, whether or not planed, sanded or finger-jointed; (4) coniferous wood flooring (including strips and friezes for parquet flooring, not assembled) continuously shaped (tongued, grooved, rabbitted, chamfered, V-jointed, beaded, molded, rounded or the like) along any of its edges or faces, whether or not planed, sanded or finger-jointed. Such products are currently provided for under subheadings 4407.1000, 4409.1010, 4409.1090, 4409.1020, respectively, of the Harmonized Tariff Schedule (HTS). Although the HTS subheadings are provided for convenience and customs purposes, our written description of the scope of this proceeding remains dispositive.

We received a number of letters from U.S. importers of lumber products made from various specialized grades or certain species requesting that imports of these specialized grades and species be excluded from the scope of this investigation. Since the scope of our investigation includes those products covered by the U.S.-Canada Memorandum of Understanding on Softwood Lumber (MOU), which includes not only dimension lumber but a wide variety of other lumber products, all of these products are considered to fall within the scope of this investigation.

Analysis of Programs

We have relied on aggregate information (*i.e.*, data for the manufacturers, producers and exporters in all provinces and territories subject to investigation) provided by the GOC and the provincial governments for this preliminary determination because of the large number of producers of softwood lumber products covered by this investigation. Although we received a number of requests for company-specific rates, we determined not to issue any company-specific rates in this investigation.

Unless otherwise specified, all values referred to are denominated in Canadian dollars.

For purposes of this preliminary determination, the period for which we are measuring subsidies (the POI) is the GOC's fiscal year, April 1, 1990, through March 31, 1991. Based upon our analysis of the responses to our questionnaires, we preliminarily determine the following:

Programs Preliminarily Determined to be Countervailable

We preliminarily determine that subsidies are being provided to manufacturers, producers, or exporters in Canada of the subject merchandise under the following programs:

A. Stumpage Programs

On October 31, 1991, we self-initiated an investigation of the provincial stumpage programs of Alberta, BC, Manitoba, Ontario, Quebec, and Saskatchewan and the stumpage programs in the Territories. Stumpage program in the Territories are administered by the federal government. The vast majority of forest land in the provinces is owned by the provincial governments, while the vast majority of forest land in the Territories is owned by the federal government.

For purposes of our analysis we are using the term "stumpage" to refer to standing softwood timber. Softwood timber is the good which is the primary input into the production of softwood lumber. Stumpage on provincial and federal lands is provided to companies by the provincial and federal governments under various tenure arrangements. These arrangements are described in detail in the public responses on file in room B099, Department of Commerce.

Specificity

In order to determine whether a government program provides a domestic subsidy that is actionable under U.S. countervailing duty law, the Department must perform a dual analysis. The first part of that analysis is codified in section 771(5)(A)(ii) and section 771(5)(B) of the Tariff Act of 1930, as amended (the Act). Section 771(5)(A)(ii) states that:

> The term 'subsidy' includes, but is not limited to * * * domestic subsidies, if provided or required by government action to a specific enterprise or industry, or group of enterprises or industries, whether publicly or privately owned and whether paid or bestowed directly or indirectly on the manufacture, production, or export of any class or kind of merchandise * * *"

Section 771(5)(B) was added in 1988 as a clarification to subparagraph A (supra) and directs the Department to determine:

> whether the bounty, grant, or subsidy in law or in fact is provided to a specific enterprise or industry, or group of enterprises or industries. Nominal general availability, under the terms of the law, regulation, program, or rule establishing a bounty, grant, or subsidy, of the benefits thereunder is not a basis for determining that the bounty, grant, or subsidy is not, or has not been, in fact provided to a specific enterprise or industry, or group thereof.

If the Department determines that, in accordance with sections 771(5) (A) and (B), a domestic subsidy is provided to a specific enterprise or industry, or group of enterprises or industries, it then proceeds to the second part of the dual analysis. In the case of a government-provided good or service, the Department must determine whether the good or service is provided at preferential rates in accordance with section 771(5)(A)(ii)(II) of the Act (see Preferentiality section below). Determinations that a program is both specific and preferential are necessary in order for the Department to conclude that a program is countervailable. An affirmative determination with respect to only one of the requisite factors, *i.e.*, specifically or preferentiality, would compel the Department to find the program not countervailable.

In this section, we will address the first aspect of our domestic subsidy analysis: Specificity. An evaluation of the provision of stumpage by both the Canadian federal (with regard to the Territories) and the provincial governments identified in our Notice of Self-Initiation has led the Department to

determine preliminarily that stumpage programs are in fact limited to a group of industries, the primary timber processing industries, and, therefore, are specifically provided within the meaning of the Act.

This is not the first time the Department has confronted the issue of the specificity of Canadian stumpage programs. In 1983, the Department determined in its Final Negative Countervailing Duty Determination: Certain Softwood Products from Canada, 48 FR 24159 (May 31, 1983) (Lumber I) that stumpage programs were not specific because: (1) Any limitation on use was not a result of government action, but rather was due to the inherent nature of the products under investigation, and (2) stumpage was used by several specifically-named groups of industries (the lumber and wood products industries, the pulp and paper industries, and the furniture industries). Although the Department found that nonstumpage benefits provided to the "forests products industries" were specific, in the case of stumpage, the Department reasoned that a finding of no specificity was warranted because the universe of users of stumpage was limited by the inherent characteristics and uses of raw timber.

In 1986, the Department preliminarily determined in the Preliminary Affirmative Countervailing Duty Determination: Certain Softwood Lumber Products from Canada, 51 FR 37435 (October 22, 1986) (Lumber II) that stumpage programs were specific based on the use of "best information available." Using petitioner's information, we found that various actions of the provincial governments, such as not granting stumpage rights on a first-come, first-served basis, and requiring the construction of sawmills, constituted the exercise of discretion and skewed the allocation of stumpage rights toward lumber producers.

Furthermore, in Lumber II, we stated that we had improperly found there to be three separate groups of industries in Lumber I. We found that one of the three groups, the furniture industries, did not own significant stumpage rights, if at all, and that certain facts called into question the earlier conclusion that stumpage rights were not, in fact, limited to one group of industries. Lumber II was terminated as a result of the MOU between the United States and Canada and petitioner's subsequent withdrawal of its petition. (See Termination of Countervailing Duty Investigation; Certain Softwood Lumber Products from Canada, 52 FR 315 (January 5, 1987)).

Notwithstanding this history, in analyzing the issue of specificity for purposes of this proceeding, we have given limited weight to these prior determinations. First, as a general matter, there is no principle of administrative *stare decisis*. Administrative agencies are free to overturn prior precedent, provided they have a reasonable basis for doing so. In addition, insofar as Lumber II is concerned, the Department normally accords little, if any, precedential value to preliminary determinations.[1]

More important, however, is that in the interim between Lumber II and the current investigation, Congress amended the relevant statutory provisions. Section 1312 of the Omnibus Trade and Competitiveness Act of 1988, Public Law 100–418 (Aug. 23, 1988), 102 Stat. 1184 (1988 Act), added a new provision on specificity to the Act, codified at 19 U.S.C. 1677(5)(B). Although the text of this provision is not markedly different from pre-1988 Commerce administrative practice with respect to specificity, the legislative history of section 1312 does reveal a congressional intent to clarify the application of "the specificity test" to programs like stumpage programs. Specifically, in the Department's opinion, Congress indicated that the Department should not rely on the "inherent characteristics" rationale as a basis for finding subsidy programs nonspecific. In order to understand the basis for this conclusion, it is necessary to examine the legislative history of section 1312.

Lumber I was one of a series of Department determinations involving so-called "natural resource subsidies"; *i.e.*, subsidies involving the government provision of a natural resource. Other determinations involved Mexico's dual-pricing system for oil, natural gas, and derivative products. In those determinations, the Department, following the "inherent characteristics" rationale first articulated in Lumber I, declined to find such subsidies to be specific. In particular, in its Final Affirmative Countervailing Duty Determination: Carbon Black from Mexico, 48 FR 29564 (June 27, 1983) (Carbon Black from Mexico), the Department ruled that the provision by the Mexican Government of natural gas and carbon black feedstock (CBFS) was nonspecific, notwithstanding the fact that there were only two users of CBFS.

In connection with the passage of the Trade and Tariff Act of 1984, there was an effort by certain members of Congress to alter the results of these determinations through legislation (see *e.g.*, H.R. Rep. No. 725, 98th Cong., 2d Sess. (1984)). Although these efforts were not successful, and, in any event, did not focus on the specificity test, the fact that the bills were proposed indicates that Congress was concerned with the Department's approach. In 1985, however, as a result of the decision by the U.S. Court of International Trade (CIT) in *Cabot Corp.* v. *United States*, 620 F. Supp. 722 (1985), appeal dis., 788 F.2d. 1539 (Fed. Cir. 1986), vacated as moot, Order dated Nov. 20, 1986 (Cabot), the natural resource subsidy issue was resurrected, and this time the issue was focused on the specificity test.

Cabot involved a challenge to the Department's final determination in Carbon Black from Mexico, *supra*. In the decision, the CIT ruled that the Department had applied an incorrect test in finding the provision of natural gas and CBFS nonspecific. The Court remanded the case to the Department for reconsideration.

Cabot spawned multiple interpretations of what the CIT actually had decided. Although there are many aspects of the Cabot decision with which we took issue, we agreed with the Court that the Department should apply a *de facto* test for specificity. However, some parties argued that Cabot required the Department to adopt a radically new approach prusuant to which the Department would assess the "effects" of a benefit on individual recipients, *i.e.*, whether some firms received a "competitive advantage" vis-a-vis other firms receiving the benefit. See, *e.g.*, W. Hunter and S. Kuhbach, "Subsidies and Countervailing Duties: Highlights Since 1984," Commerce Department Speaks 491, 506–543 (Practising Law Institute 1987). These parties, using this interpretation, pushed for an amendment to the statutory provision on specificity. This radical interpretation would have had the potential effect of greatly expanding the types of programs that we might find to be specifically provided. The Department has never espoused this radical interpretation.[2]

[1] In this regard, we note that, at least for certain purposes, respondents have argued that in an amendment to its termination notice in Lumber II the Department stated that the preliminary determination in that case was "without legal force and effect." 52 FR 2751 (1987). This statement was made pursuant to an express provision of the Lumber MOU. In light of Canada's unilateral termination of the MOU, the Department no longer is bound by this, and the preliminary determination in Lumber II has the same precedential value as any other Department preliminary determination.

[2] In an appeal of the Carbon Black review, the CIT appeared to retreat from this radical interpretation, *i.e.*, the need to measure "competitive advantage" (*Cabot Corp.* v. *U.S.*, 694 F. Supp. 949 (Ct. Int'l. Trade 1988)) (Cabot II). Although this decision postdated the Congressional debates leading up to the 1988 Act, and, therefore, was not

Continued

In the meantime, the Department completed its Final Results of Countervailing Duty Administrative Review; Carbon Black from Mexico, 51 FR 30385 (August 26, 1986) (Carbon Black). In that review, the Department reversed its decision in the original final determination, finding that the provision of CBFS by the Mexican Government was specific. Essentially, the Department stated that in the original final determination it had placed excessive emphasis on the inherent characteristics rationale, and that, even though CBFS was available to anyone in Mexico who wished to purchase it, there simply were too few users of CBFS to justify a finding of nonspecificity. With respect to the provision of natural gas, the Department continued to find that the users in Mexico were too numerous, and the diversity of industries too broad, to warrant a finding of specificity.

Following the Department's decision in Carbon Black, Congress took up consideration of the specificity test as part of what became the 1988 Act. Both the House and the Senate passed versions of a new specificity test, and although the texts of the two versions were similar, the legislative histories were quite different. The House version clearly was intended to codify the radical "competitive advantage" interpretation of Cabot referred to above. H.R. Rep. No. 40, 100th Cong., 1st Sess., part I, 123 (1987). The Senate version, on the other hand, generally is regarded as intended to codify the more traditional *de facto* analysis, as articulated in Cabot. S. Rep. No. 71, 100th Cong., 1st Sess. 123 (1987) (Senate Report). The Conference Committee adopted the Senate version of the specificity test, but the Committee report obscured the differences in the House and Senate versions. H.R. Rep. No. 576, 100th Cong., 2d Sess. 587 (1988). It required a floor statement from Senator Lloyd Bentsen, Chairman of the Senate Finance Committee, to clarify that the Conference did adopt the Senate version and that there were significant differences between the two versions. Cong. Rec. S4903 (daily ed. April 27, 1988).

Of greatest significance, for our purposes, is what the Senate had to say about the administrative review in Carbon Black. In the Senate Report, the Finance Committee stated that the purpose of the specificity provision was to correct past Department practice, and the Committee then described how the Department had erred. The Committee then stated:

> In a subsequent review of the determination under review in the Cabot case, the Commerce Department recognized that it had applied this test in an overly restrictive manner and determined that there were too few users of carbon black feedstock in Mexico to find that the benefit * * * was generally available. Senate Report, at 123.

Although the Finance Committee did not expressly use the word "approval" in describing the Department's action, it is clear that the Committee understood what the Department had decided in the Carbon Black review, and that it regarded the Department's decision as the correct approach to specificity.

The Finance Committee's statements concerning Carbon Black are relevant to this investigation because respondents have argued that some form of "purposeful government action" to limit the availability or use of a benefit is a prerequisite to a finding of specificity. This position is inconsistent with Carbon Black, however, because the Department did not base its finding of specificity in that case on any such government action. As noted above, the Department based its finding solely on the fact that, regardless of the reasons, there were too few users of CBFS to justify a finding of nonspecificity. In this regard, respondents in this investigation also have suggested that there was "purposeful government action" in Carbon Black in that the Mexican Government had a choice as to whether to turn "catcracker bottoms" into CBFS or some alternative product. Again, this was not something which the Department took into account in making its specificity finding in Carbon Black, nor is it something which the Finance Committee considered in endorsing the Department's decision in that case. Thus, the fact that the Canadian provincial governments may not have acted to limit the availability of stumpage, if true, does not preclude a finding of specificity in light of the 1988 Act.

It also must be emphasized that neither in the Trade Agreements Act of 1979 nor in the 1988 Act did Congress attempt to define precisely the key phrase "specific enterprise or industry, or group of enterprises or industries." Instead, Congress has delegated to the administering authority, currently the Department, the authority to establish the parameters of the phrase. In this regard, the Department, in 1989, promulgated proposed regulations concerning the specificity test (Countervailing Duties; Notice of Proposed Rulemaking and Request for Public Comments, 54 FR 23366 (May 31, 1989) (the Proposed Rules)). Section 355.43(b)(2) of the Proposed Rules states that:

> In determining whether benefits are specific (to an enterprise or industry, or group of enterprises or industries), the Secretary will consider, among other things, the following factors:
>
> (i) The extent to which a government acts to limit the availability of a program;
>
> (ii) The number of enterprises, industries, or groups thereof that actually use a program;
>
> (iii) Whether there are dominant users of a program, or whether certain enterprises, industries, or groups thereof receive disproportionately large benefits under a program; and
>
> (iv) The extent to which a government exercises discretion in conferring benefits under a program.

As previously stated, we have preliminarily determined that stumpage programs are in fact limited to a group of industries, the primary timber processing industries. According to various industry sources and government forestry agencies in both the United States and Canada, the primary timber processing group is comprised of two basic manufacturing industries: solid wood products and pulp and paper products. For example, this definition is used in Wood Use: U.S. Competitiveness and Technology, Congress of the United States, Office of Technology Assessment, p. 7. In addition, The State of Forestry in Canada: 1990 Report to Parliament, Forestry Canada, 1991, p. 47, states:

> From its start in eastern Canada in the early 1800's, Canada's forest industry has diversified into a variety of products and services. Of these, the solid wood products and pulp and paper sectors provide the backbone of the industry.

The Forest Resources Commission: The Future of Our Forests—April 1991, Province of British Columbia, p. 91, states:

> In the context of studies for this report (the forest sector) consists of the following industries: extractive logging and forestry, wood mills (*e.g.*, lumber, plywood, shakes and shingles), and pulp, paper and allied.

In a report prepared for a review of Canada's trade policies under the General Agreement on Tariffs and Trade's Trade Policy Review Mechanism (Trade Policy Review: Canada 1990 (Part B: Report by the Government of Canada, p. 89 (1991), at paragraph 353)), the GOC states:

> Canada's forest products sector is comprised of three major sub-sectors: the logging industries, the wood industries, and

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considered by Congress, the CIT in Cabot II, by explicitly moving away from the radical interpretation and relying more heavily on the traditional *de facto* analysis for specificity, implicitly supported the Department's interpretation of the earlier Cabot decision.

the pulp and allied industries. The three groups may be characterized as falling into primary producers (logs, pulpwood), secondary producers (lumber, plywood and other wood-based panels, market pulp, newsprint, and shingles and shakes), and producers of converted wood and paper products (paper products, packaging material, doors and windows, kitchen cabinets, furniture parts and manufactured housing, etc.).

We note that, in this instance, the primary timber processing industries group represents the first stage of industrial manufacturing, and is equivalent to the "secondary producers" group cited above. Furthermore, in The Canada-U.S. Free Trade Agreement and the Forest Products Sector: An Assessment (Industry, Trade and Technology Branch, Canadian Forestry Service, 1988, p. 1), the Canadian Forestry Service observes:

> In assessing the impact of the Canada-U.S. Free Trade Agreement, it is useful to distinguish the three major components or categories of subsectors making up Canada's forest industry. The first group includes the primary producers (lumber, pulp, newsprint, and shingles and shakes) * * *. The second group includes producers of higher value-added or intermediate forest products such as paper, and paperboard, waferboard, particleboard * * *.

The solid wood products and pulp and paper products industries use the same input, timber, and have in common the first stage of processing. Products made from timber must first be processed through a primary mill. Whether that mill is classified as a lumber mill, plywood, panel or veneer mill, pulp and paper mill, or pole and post mill, the common denominator is the milling operation. In fact, the GOC and the Government of Ontario state in their submissions regarding the Appendix to Joint Memorandum Concerning Specificity: "The raw material for all forest products industries must be processed initially in some type of mill * * *."

While the questionnaire responses in this investigation provide lists of numerous end-products ranging from tissue paper to coffins, these are all final stage products that must first pass through the primary timber processing stage, and as such are not products of the primary timber processing industries themselves. A U.S. Forest Service publication notes that:

> The primary timber processing industries are the point at which consumer demand for wood products and available timber supplies first meet. These industries provide the initial conversion of the timber resource into the wood products demanded by consumers. The secondary wood processing industries are dependent upon the products of the primary timber processing industries for their raw materials to further process wood products for final consumption.
>
> An Analysis of the Timber Situation in the United States 1989–2040, United States Department of Agriculture; Forest Service; General Technical Report RM–199, p. 59.

Although not essential to our determination that the solid wood products industry and the pulp and paper products industry constitute a group of industries within the meaning of the Act, we note that the solid wood products and pulp and paper industries have become increasingly interdependent. According to the questionnaire responses, in BC, the largest softwood lumber-producing province in Canada, pulp and paper mills are required to obtain their needed inputs (*i.e.*, chips) from solid wood products mills (*i.e.*, sawmills, plywood mills, panel and veneer mills) before acquiring their own rights to harvest.

Also not essential, but equally relevant, to our determination that the solid wood products industry and the pulp and paper products industry constitute a specific group of industries within the meaning of the Act is that in many cases the solid wood products industry and the pulp and paper products industry are integrated. For example, according to BC's response, 86 percent of BC's noncompetitive annual allowable cut is harvested by integrated companies. In Ontario, where 61 percent of the harvest rights are held by companies associated with pulp and paper mills, the questionnaire responses indicate that the provincial government encourages integration of these mills by offering a lower stumpage price to companies that own sawmills as well. The increasing interdependence and integration of the solid wood products and pulp and paper industries serve to underscore the interrelationship between the two industries and support our conclusion that the two do, in fact, constitute a single group of industries.

We note that although we used the Standard Industrial Classification (SIC) system in Lumber I as support for the conclusion that there were three separate groups of industries for purposes of our analysis of stumpage programs, such use overemphasizes the SIC's use of the word "group". The SIC uses the word "group" at both the two-digit and three-digit level of classification. Any similar term, such as sector, class, or category could have been used by the SIC in its classification system. As such, the SIC's use of the word "group" for its purposes does not interfere with the meaning of a "group of industries" as intended under the Act. Moreover, there is no evidence that Congress intended the term "group", as used in section 771(5)(B), to equate to SIC terminology.

With respect to the first factor in the Proposed Rules, government limitation, the extent to which the government acts to limit the availability of a program is not instructive in this case because a government need not take any further action, through special rules, regulations or eligibility criteria, to limit the availability or use of a program that is already in fact limited by the nature of the input provided.

With respect to the second factor, the number of enterprises, industries, or groups thereof that actually use a program, we have already noted that there is only one group of industries that uses stumpage: the primary timber processing industries, which is comprised of two major industries, the solid wood products industry and the pulp and paper products industry. While this may be due to the inherent characteristics of raw timber, as we have discussed, the fact that the inherent characteristics of stumpage limit the number of users is not an indication of nonspecificity.

The third factor, the extent to which dominant users or disproportionately large beneficiaries of a program exist, is not particularly helpful in this case. When the potential recipients of the benefit of a program span many industries, the breadth of the potential universe can make the examination of dominant use or disproportionately large benefits a useful tool in an analysis of specificity. However, when, as in this case, the universe of recipients is limited by the nature of the benefit, the factors of dominant use or disproportionality provide little, if any, guidance.

The last factor, government discretion, is also not instructive in this case because the inherent characteristics of the input limit its use to the primary timber processing industries. Although in our Notice of Self-Initiation we cited examples of government discretion as part of the evidence indicating that stumpage was specifically provided, we preliminarily determine that we do not need to reach the issue of whether the government exercises discretion in this case, because irrespective of whether discretion was exercised, it would not alter our conclusion.

In this investigation, we have considered both legislative history and case precedent in preliminarily determining that stumpage is provided to a specific group of industries. The guidance provided by Congress and the courts directs the Department to

consider specificity on both a *de jure* and a *de facto* basis. A *de facto* analysis of provincial stumpage programs indicates that the programs are used by only one group of industries, the primary timber processing industries. While we recognize that the inherent characteristics of stumpage are, in and of themselves, limiting, we do not believe that it was Congress' intent to render such programs beyond the purview of the countervailing duty statutes because of this fact.

Having preliminarily determined that the stumpage programs administered by Alberta, BC, Manitoba, Ontario, Quebec, Saskatchewan, and the Territories are provided to the primary timber processing industries group, the next section addresses whether stumpage is provided at preferential rates.

Preferentiality

We must examine whether stumpage is provided at preferential rates pursuant to section 771(5)(A)(ii)(II) of the Act. Under this statutory standard, the Department examines whether government provision of a good is preferential by comparing the price charged by the government with a nonpreferential benchmark price.

To determine the appropriate benchmark, we have referred to the Preferentiality Appendix attached to Carbon Black (the preliminary results of review), which is included in the Proposed Rules, and our application of the principles of the Preferentiality Appendix and our consideration of the Proposed Rules in past cases. As discussed in the Proposed Rules, the Department's preferred test for determining whether a good or service is provided at a preferential rate is to examine whether the government provides the same good or service at a price that is lower than the price the government charges to the same or other users of that product within the same political jurisdiction.

In the review of Carbon Black, we determined that it would not be appropriate to make use of this preferred test because, in that case, the government was providing the good to all users of the input at the same price, and the number of users was too small to constitute more than a specific enterprise or industry, or group or enterprises or industries. Because we were not able to use the traditional price discrimination test to determine preference, we turned to the alternatives outlined in the Preferentiality Appendix and Proposed Rules. These alternatives are, by order of preference: (1) The price charged by the government for a similar or related good, (2) the price charged within the same jurisdiction by private sellers for an identical good or service, (3) the government's cost of producing the good or service, and (4) the price paid for the identical good or service outside of the political jurisdiction in question.

As noted above, the Proposed Rules state that the benchmark the Department uses to measure preference will normally be a "nonspecific" price, *i.e.*, a price that is provided to more than a specific enterprise or industry, or group of enterprises or industries. However, where we have been able to determine that a price—although specific to an enterprise or industry, or group of enterprises or industries—does not convey a preference toward those who pay it, we have used that "specific" price as the benchmark. See, *e.g.*, Final Affirmative Countervailing Duty Determination: Aluminum Sulfate from Venezuela, 54 FR 43440 (October 25, 1989). In that case, we were satisfied that one government price charged to a producer was "nonpreferential" and could therefore be used as a measure of preference vis-a-vis the price the government charged another producer. Consistent with this approach, where a government provides a good at more than a single administratively-set price to a specific group of enterprises or industries (*i.e.*, goods at all prices are specifically provided), but where we determine that one (or more) of the prices for a good or service is provided on a nonpreferential basis, we may use that administratively-set price as the basis for measuring the degree of preference conferred via the other administratively-set price.

For purposes of this preliminary determination, in BC, Ontario, and Alberta, we have relied on the traditional measure of preference, price discrimination. In those situations where we have used a "specific" benchmark, we have done so because we find the "specific" price to be nonpreferential. For Quebec, we have relied on prices charged within the jurisdiction by private sellers for an identical good or service, the second alternative in the Proposed Rules, as a measure of preferentiality because we have no information on either price discrimination by the Government of Quebec or on the first preferentiality alternative, prices charges by the government for a similar or related good. The following is a detailed discussion of the methodology used in each province to determine whether stumpage is provided at preferential rates.

British Columbia

Although there are varying types of provincial tenures under which companies harvest timber in BC, the timber-pricing systems for all tenures can generally be separated into two distinct types—administratively-set stumpage and competitively-bid stumpage. According to the questionnaire responses, most administratively-set stumpage is determined using the Comparative Value Pricing system, whereas competitively-bid timber sales are awarded based solely on the highest bid. Since the government provides stumpage to some companies at an administratively-set price that, even after accounting for differences in forest management and harvesting obligations (as described below), is generally lower than the competitively-bid price that the government obtains from other companies, we preliminarily determine that the BC provincial government is providing stumpage at a preferential rate.

Competitively-bid stumpage is sold only through section 16 of the Small Business Forest Enterprise Program (SBFEP), which was created to stimulate new opportunities for forest products industries and the production of specialty products. SBFEP section 16 tenures are generally short in duration (typically one to three years) and provide smaller volumes of timber than administratively-set stumpage tenures. During the POI these tenures accounted for nine to ten percent of the provincial softwood sawlog harvest. The BC Ministry of Forests (MOF) sets a minimum bid for competitively-bid sales but does not set an upper limit to the bid. Because the prices for SBFEP section 16 sales are determined solely by market forces, we preliminarily determine that these competitively-bid prices are nonpreferential. Other sections of the SBFEP, accounting for approximately 13 percent of the SBFEP harvest during the POI, include a partially competitive section (section 16.1) and a wholly uncompetitive section (section 18). For purposes of our analysis, we do not consider these sales to be completely market-driven and, therefore, did not include them in our calculations of the competitive benchmark rate.

All other stumpage prices are administratively set. Tenures associated with administratively-set stumpage are usually long-term (up to 25 years, with some opportunities for tenure renewals). These tenures also provide larger volumes of timber, and include greater

forest management and timber-harvesting obligations. During the POI, stumpage sold at administratively-set price accounted for approximately 90 percent of the softwood sawlog harvest. (For the remainder of this discussion, harvesters of competitively-bid stumpage (*i.e.*, SBFEP section 16 sales) will be referred to as "SBFEP tenure holders", while harvesters of administratively-set stumpage, including the 13 percent of total SBFEP sales provided under sections 16.1 and 18, will be referred to as "major tenure holders.")

Although the price-determining factors are clearly different between competitively-bid and administratively-set stumpage sales, an examination of stumpage prices alone is not sufficient to determine whether timber is provided at a preferential rate because major tenure holders are required to fulfill certain forest management and timber-harvesting obligations that are not required of SBFEP tenure holders. Therefore, in order to determine whether stumpage is provided at a preferential rate, we have compared the total, per unit (on a per cubic meter harvested basis) expenses, both monetary and in-kind, incurred by major tenure holders with those incurred by SBFEP tenure holders.

We determined the competitive stumpage rate by calculating the average, per unit stumpage rate for provincial SBFEP section 16 softwood sawlog timber sales. We calculated this rate, and all expenses in this calculation, for two distinct regions in BC: The Coast and the Interior. This avoided any distortions being introduced into the calculation by reason of differing relative harvesting levels in each region. We added payments for reserving the right to cut, which are referred to as ground rent, to the stumpage rates to obtain the competitively-bid benchmarks.

We determined the noncompetitive stumpage rates by calculating the average stumpage rate for all provincial softwood sawlog sales in each region that were not purely competitive. We made the following adjustments to the noncompetitive rate in order to obtain an appropriate comparison with the competitive benchmark rate:

- Annual ground rents were included in the noncompetitive rate because, even though both types of tenure holders pay ground rent, the major tenure holders pay significantly more than SBFEP tenure holders.
- Using BC MOF appraisal data for timber sold at both administratively-set and competitively-bid prices, we adjusted for quality differences (*i.e.*, species, grade, accessibility, etc.) between the timber harvested by major tenure holders and the timber harvested by SBFEP tenure holders.
- Major tenure holders are required to perform certain activities pertaining to the reforestation of their timber stands. These activities, referred to as silviculture, are broken down into two types—basic and incremental. Major tenure holders must perform the former, while SBFEP tenure holders are not required to perform either. As a result, we added basic silviculture costs incurred by major tenure holders to the noncompetitive rate. We made no adjustment for incremental silviculture costs because neither major tenure holders nor SBFEP tenure holders are required to perform these activities.
- Major tenure holders are also required to perform fire and pest suppression activities, which SBFEP tenure holders are not required to do. Therefore, these additional costs were added to the noncompetitive rates.
- We included three components of road costs in the adjustments: costs for road building, road maintenance, and an allocation of general and administrative expenses for these two activities. Because, as described below, SBFEP tenure holders appear to bear some of these costs as well, a downward adjustment to the costs reported for major tenure holders is necessary.

There are two general classifications of roads specifically associated with logging in BC. "Cutblock" (or "on block") roads provide a single tenure holder access to a particular timber stand. These are temporary roads (typically used for a single season) that require little, if any, maintenance. Both major tenure holders and SBFEP tenure holders are responsible for building (or contracting out) all of their own cutblock roads. Therefore, no adjustment was made for these expenses. However, according to a supplemental response, some portion of these expenses may have been included in the road building costs reported for major tenure holders. This is one reason for reducing the reported road building adjustment.

The second category of roads, main roads, are more permanent and may serve numerous stands over a number of seasons. The questionnaire response states that most main roads are built by the major tenure holders, including those used by SBFEP tenure holders. The response also indicates that the BC MOF may build roads for SBFEP tenure holders depending on the technical and financial capability of the SBFEP tenure holder, the number of timber sales served by the road in question, and the budgetary limitations of the BC MOF. Since the questionnaire response did not provide data concerning the SBFEP tenure holders' expenses for building main roads, we asked in a supplemental questionnaire for information regarding SBFEP tenure holders' road building expenses. In its response, BC stated that: "From a licensee's perspective, the difference between the two programs is the cost of main road development. Major licensees incur all of that cost; SBFEP licensees rarely incur any cost."

Based on the above information, it appears that there are some overlapping road building obligations, which points out the need to reduce the adjustment for road building costs reported for major tenure holders. However, since respondents provided neither the costs borne by SBFEP tenure holders nor an estimate of an appropriate reduction in the costs borne by major tenure holders, we used the only information on the record, an adjustment figure of 25 percent submitted by the Coalition, as the best information available.

- Data provided in the questionnaire responses for road maintenance costs are also imprecise. The responses provide information on road maintenance costs for major tenure holders. However, the responses also indicate that "(s)urface maintenance of all forest roads is the responsibility of the industrial user, whether SBFEP or other tenure holder." In a supplemental questionnaire, we requested data on the expenses borne by SBFEP tenure holders for surface maintenance, or an estimate of an appropriate downard adjustment, but we received no information concerning the road surface maintenance responsibilities of SBFEP tenure holders. Since respondents did not provide the value of these obligations for SBFEP tenure holders, and did not estimate them, we reduced the reported road maintenance costs borne by major tenure holders by the ratio of surface maintenance costs to total road maintenance costs incurred by the BC MOF in fiscal year 1989–90, as reported in the BC MOF's Annual Report, the most recent year for which such information is available in published form.
- We reduced the reported allocation of general and administrative expenses (associated with road building and maintenance costs) borne by major tenure holders by the same percentage that we reduced the reported road building and road maintenance costs.
- The BC questionnaire responses list eight categories of miscellaneous expenses that are borne by major tenure holders, as well as an allowance for general and administrative expenses

attributable to those activities. The eight miscellaneous expenses include resource management, engineering and layout, scaling, scaling fees, cruising, residue and waste, head office forestry and engineering, and regional office forestry and engineering. The responses give conflicting information as to whether SBFEP tenure holders incur some of these expenses. Moreover, we received no information regarding miscellaneous expenses borne by SBFEP tenure holders that are not borne by major tenure holders, such as bid preparation. Therefore, we had to determine which of these expenses are incurred by SBFEP tenure holders in order to know which ones to allow as an adjustment.

Based on our analysis of standard harvesting practices, as well as discussions with a U.S. Department of Agriculture forestry expert, we preliminarily determine that only resource management and residue and waste expenses should be included in our adjustment. All remaining activities appear to be ones incorporated in all harvesting operations and, therefore, would also be borne by SBFEP tenure holders. For these reasons, we reduced the miscellaneous expenses adjustment amount by the value of the remaining six categories. We also reduced the reported allocation for general and administrative expenses by the same proportion by which we reduced the total miscellaneous expenses.

We added all adjustments to each regional [*i.e.*, Coast and Interior] noncompetitive stumpage rate to obtain the total, per unit rates paid by major tenure holders. We then subtracted the regional noncompetitive per unit rate from the appropriate regional competitive per unit benchmark rate. We multiplied the regional differentials by the regional softwood sawlog harvests to obtain the aggregate benefit for each region. We used the softwood sawlog harvest in order to calculate the benefit to producers of softwood lumber products. We then combined the aggregate benefits for each region to obtain the total provincial benefit. This figure serves as the numerator in the subsidy calculation.

We divided the total provincial benefit by the value of BC softwood lumber shipments, plus the value of shipments of another product produced in sawmills from softwood sawlogs (*i.e.*, railway ties), plus the value of shipments of products produced during the lumber-manufacturing process (*i.e.*, chips and sawdust). On this basis, we calculated a rate of 6.88 percent.

Quebec

According to the questionnaire responses, over 95 percent of the stumpage harvested on provincial lands in Quebec is harvested under Timber Supply Forest Management Agreements (TSFMAs). For purposes of setting stumpage rates under TSFMAs, Quebec is divided into 28 tariffing zones, the boundaries of which, according to Quebec, were set so as to ensure that for each zone the factors that influence the market value of standing timber (average tree size, type of soil, topography, transportation distances, etc.) were as homogeneous as possible. A different stumpage rate is set for each tariffing zone and that rate applies uniformly throughout the zone. The stumpage rate for each tariffing zone is set based on a "parity technique", which uses information on stumpage rates from private forest to calculate the market value of standing timber (MVST) of the provincial forest land in each tariffing zone. The stumpage rate charged in a tariffing zone is equivalent to the MVST for that zone. In order to obtain private stumpage rates, the government conducts a "full census" of the private market once every three years and a survey in the intervening years. The first and only "full census" was conducted in 1988, and was used to set stumpage rates during the POI without any adjustments.

In setting the stumpage rates, the Government of Quebec makes no distinction between sawlogs and pulplogs. Because all stumpage users pay the same prices, we have no basis for determining whether a benefit exists by reason of government price discrimination under the preferred methodology. Therefore, we must turn to the hierarchy of benchmarks outlined in the Proposed Rules. Since we do not consider that there are goods similar to stumpage for which appropriate price adjustments could be made, we preliminarily determine that the first alternative test for preferentiality is not applicable. We do, however, consider that we can use the second alternative for measuring preferentiality, the prices charged by other sellers for an identical good. Because the prices for private stumpage are set solely by market forces, we preliminarily determine that the private prices provide a reliable benchmark for comparison purposes. In addition, the private data is a reliable preferentiality benchmark because a significant amount of provincial harvest is done on private lands and the systematic and extensive private data collection by the government (in connection with the parity technique) is sufficient to capture the prevailing average private stumpage rate.

In order to make an equitable comparison, we have had to account for the fact that TSFMA holders are required to fulfill certain forest management and timber-harvesting obligations that may not be required of those harvesting from private lands. Therefore, to determine whether provincial stumpage is provided at a preferential rate, we have attempted to adjust for all of the expenses, on a per cubic meter basis, that are incurred by TSFMA holders that are not borne by those harvesting privately-owned timber.

We calculated the private stumpage benchmark by weight-averaging the private stumpage rates collected in the provincial government private market surveys in the calendar years 1990 and 1991, to reflect Quebec's fiscal year. No adjustments were made to this figure as it was unclear from the questionnaire responses what expenses were incurred, both monetary and in-kind (other than stumpage fees) by those harvesting on private lands.

We determined the noncompetitive stumpage rate by dividing the actual total stumpage fees paid by sawmills and lath producers during the POI (most laths are within the scope of this investigation) by the actual amount of stumpage used by sawmills/lath producers during the POI reported in the questionnaire responses. To this were made the following adjustments (on a per cubic meter basis) for obligations which our analysis indicated were not incurred by private stumpage harvesters:

- Under the TSFMA tenure arrangements, companies must perform all silviculture treatments in order to achieve sustained yield. Most of the cost of this silviculture is credited toward a company's stumpage fees, but some costs, such as planning and transportation of seedlings are not credited. The responses report the total noncredited silviculture expenses under all TSFMAs. In order to obtain Quebec's private silviculture reimbursement under the Private Forest Development Program, private woodlot owners must also incur some silviculture costs for which they receive no reimbursement. According to the responses, the reimbursement "was calculated to cover 90 (percent) of the estimated cost of the treatments." At a minimum, therefore, private woodlot owners incur 10 percent of the total silviculture costs of treatments eligible for reimbursement. Any other silviculture costs would be borne entirely by the private woodlot

owner. However, we have no information on the record regarding what the additional costs of these activities, if they were performed, would be. Therefore, we have used the 10 percent figure as best information available to calculate the noncredited silviculture costs of private woodlot owners. In order to calculate the proper adjustment for noncredited silviculture costs accounted for by softwood sawlog producers under TSFMAs, we calculated the differential between the per unit, noncredited silviculture costs of TSFMA tenure holders and private woodlot owners.

• The Government of Quebec's responses refer to "control of utilization" costs, which are new costs borne by companies harvesting under TSFMAs since the new forest system came into effect in 1987. These costs are mainly attributable to the preparation of the general forest management plan, the five year forest management plan, the annual plan of action, and the cost of negotiations when several TSMFAs cover the same forest area. In order to calculate the per unit adjustment, we divided the cost for "control of utilization" incurred by TSFMA holders by total harvest under TSFMA.

• According to Quebec's Forest Act, TSFMA holders are required to prevent and extinguish forest fires within timber limits. In order to fulfill this requirement, each TSFMA holder must belong to a forest protection agency. The government assumes 50 percent of the cost of fire protection and extinction while the forest protection agency assumes the other 50 percent. Because we have no information indicating that private stumpage holders are also required to belong to a forest protection agency, we divided the total amount of the cost of the fire protection and extinction incurred by TSFMA holders through the forest protection agency by total harvest under TSFMAs.

• TSFMA holders are also required to belong to an organization for the protection of the forest against insects and diseases. As with fire protection, the government assumes 50 percent of the cost and we have no information indicating that private stumpage holders are also required to belong to a forest protection agency. We made the adjustment for insect and disease protection in a similar manner to the adjustment for fire protection.

The questionnaire responses also listed road building and maintenance, and environmental standards as costs incurred by TSFMA holders but not credited toward stumpage fees. We have not included these costs in our adjustment. Regarding road building and maintenance, we asked the Government of Quebec to explain the obligations associated with road building on private lands during the POI. However, the responses provided an unclear picture as to the actual amount of these expenses, as well as which party bears the responsibility for them. Although an aggregate average cost of private forest harvest was provided, road building costs were not broken out. Since the information on the record indicates that private stumpage harvesters incur road building expenses, we have not made an adjustment to the administratively-set TSFMA price for road building costs.

The responses also list costs incurred by TSFMA holders for meeting environmental standards as an expense not credited toward stumpage fees. However, the responses indicate that these costs are incurred for meeting the environmental standards for the logging industry as a whole. We have assumed that these environmental standards apply to the entire logging industry, including those companies harvesting timber on private lands, and have not made an adjustment to the administratively-set price.

We added the adjustments described above to the administratively-set stumpage rate to obtain the total, per unit rate paid by TSFMA holders harvesting softwood sawlogs. Comparing this rate to the private rate, we preliminarily determine that the Government of Quebec is providing stumpage to lumber producers at preferential rates. To calculate the benefit, we subtracted the administratively-set per unit rate from the private per unit benchmark rate. We multiplied the differential between the benchmark rate and the administratively-set rate by the total softwood sawlog harvest during the POI to obtain the aggregate benefit from the administratively-set stumpage program.

In the questionnaire responses, the Government of Quebec indicates that private woodlot owners were reimbursed by the government under Quebec's Private Forest Development Program to cover the cost of silviculture treatments. We preliminarily determine that such reimbursement is limited to a specific group of enterprises or industries (*i.e.*, private stumpage holders) and that the reimbursement provides a countervailable benefit. We multiplied the total amount of this silviculture reimbursement by the percentage of total private timber harvest accounted for by sawmills and lath producers to obtain the total benefit to lumber producers in Quebec.

We divided the total benefit by the value of Quebec softwood lumber shipments, plus the value of shipments of products produced during the lumber-manufacturing process (*i.e.*, chips, sawdust, and shavings). On this basis, we calculated a rate of 3.78 percent.

Ontario

According to the questionnaire responses, the Government of Ontario charges two rates for equivalent stumpage harvested from provincial lands: the integrated rate and the nonintegrated rate. Both of these rates are administratively set. Generally, the integrated rate is paid by pulp producers, and the nonintegrated rate is paid by lumber producers. The integrated rate is charged to integrated licensees which, under Regulation 234 of the Crown Timber Act, are defined as companies that own or operate a pulp mill. (Pulp is manufactured either from whole logs or from the chips produced as a byproduct of lumber.)

However, if the stumpage harvested by an integrated licensee is destined for a sawmill, the nonintegrated rate is charged. The nonintegrated rate is also charged to nonintegrated licensees (*i.e.*, licensees which do not own or operate a pulpmill). Over 99 percent of the softwood stumpage in Ontario is paid for on the basis of one or the other of these rates.

The nonintegrated rate is lower than the integrated rate. In setting these rates, however, the Government of Ontario has not made a distinction in physical characteristics (*e.g.*, grade, species, or size) between a sawlog and a pulplog. A pulplog is simply defined as a log that enters a pulpmill, and a sawlog is defined as a log that enters a sawmill. Because of technological advances that enable sawmills to obtain lumber from smaller diameter logs, which comprise the overwhelming majority of the Ontario harvest, there is little difference in the timber consumed by pulpmills and sawmills. Thus, the sole factor affecting the price that a licensee will pay is whether the log is processed in a pulpmill or in another type of mill (*e.g.*, a sawmill). Since the government provides stumpage to some companies (*i.e.*, nonintegrated licensees) at a price that is lower than the price the government charges to other companies (*i.e.*, integrated licensees), we preliminarily determine that the Government of Ontario is providing stumpage at a preferential rate.

Having preliminarily determined that stumpage is provided to a specific group of industries that includes the pulp and paper industry, we must examine whether the higher integrated rate paid by pulp producers for stumpage is itself

nonpreferential. The Government of Ontario provided survey information on private prices for stumpage in Ontario. Although the survey information is not comprehensive, and is not used by the Government of Ontario to establish stumpage rates, these private prices do provide us with an indication of whether the rate paid by integrated licensees for pulp is nonpreferential. Comparing private stumpage prices from the survey with the provincial integrated stumpage price shows that the integrated rate is higher. Therefore, we preliminarily determine that the integrated rate is nonpreferential and have used it as the benchmark price.

It is not necessary to make any adjustments to the integrated and nonintegrated stumpage prices because licensees paying the integrated rate and licensees paying the nonintegrated rate share the same obligations (such as road building and silviculture) on their respective tenure arrangements.

To calculate the benefit, we have deducted the per cubic meter nonintegrated rate from the per cubic meter integrated rate and multiplied the difference by the volume of stumpage sold at the nonintegrated rate. We divided the result by the value of Ontario softwood lumber shipments, plus the value of shipments of another product produced in sawmills from softwood sawlogs (*i.e.*, railway ties), plus the value of shipments of products produced during the lumber-manufacturing process (*i.e.*, chips, sawdust, fuel wood, and shavings). On this basis, we calculated a rate of 5.21 percent.

Alberta

The Alberta Forest Service provides stumpage under three types of tenure arrangements: (1) Forest Management Agreements (FMAs), (2) Timber Quota Certificates (TQs), and (3) Commercial Timber Permits (CTPs). FMAs are provided to companies that require the security of a long-term tenure. In addition to paying stumpage fees, or "Crown dues", FMA holders are responsible for a number of in-kind services, including construction and maintenance of roads, reforestation of all areas harvested, and any other obligations required by the Forest Service. The Crown dues paid by FMA holders are either administratively set by the Alberta Forest Service in its schedule of General Rate of Crown Dues, or they are negotiated between the Forest Service and the FMA holder.

TQs are also long-term tenure arrangements. TQ holders obtain the right to harvest a percentage of the annual allowable cut established by the Forest Service. Unlike FMA holders, a timber license is required for a TQ holder to harvest the timber. TQ holders are responsible for road construction and maintenance, reforestation of all areas harvested, and operational planning. Together, FMA and TQ holders accounted for approximately 94 percent of the softwood sawlog harvest on provincial forest lands in fiscal year 1990/91.

The third form of tenure arrangement, CTPs, provides timber harvesting rights on a shorter-term basis, (*i.e.*, for two to three years. The CTP holder pays a reforestation levy to the Alberta Forest Service, which then carries out the majority of reforestation activities. The CTP holder is responsible, however, for the construction and maintenance of certain roads.

For the reasons stated below, we preliminarily determine that stumpage is provided at preferential rates to softwood lumber producers because the Government of Alberta provides stumpage to sawmills at a price that is lower than the nonpreferential price the government charges to certain FMA holders.

According to the questionnaire responses, certain elements of the TQs and CTPs are competitively bid. The TQ holder pays a one-time bonus bid at the time of acquiring its quota. This bonus bid is amortized over time. However, the actual stumpage rate paid by TQ holders is not competitively bid, but rather is comprised of the Crown dues rate plus an appraisal factor.

In many circumstances where a government provides a good at both an administratively-set price and a competitively-bid price, we would consider there to be price discrimination and would use the competitively-bid price as the nonpreferential benchmark. However, in this case, we do not consider the stumpage fee paid by TQ holders to be a *bona fide* competitively-bid price.

The "bid" associated with the TQ pertains to the right to acquire the quota, not the price actually paid for the stumpage to be harvested. There is no provision in the TQ that allows for adjustment to the stumpage price during the life of the quota. Although the responses state that "quota stumpage fees are not adjusted, because quotas are sold through a competitively-bid process which is designed to capture any revenues above the normal stumpage fees and inkind costs that attach to the timber rights being sold", we do not consider this one-time bonus bid for a twenty-year tenure to reflect a competitive price for stumpage actually harvested under that tenure in any given years because the "bid" itself does not affect the stumpage price paid.

Accordingly, we preliminarily determine that the stumpage price paid under TQs is set administratively and cannot be used as, or in the calculation of, a benchmark price.

Under CTPs, there are both administratively-set and competitively-bid stumpage prices. In the questionnaire responses, the Government of Alberta reported a single weighted-average stumpage price for all CTPs. Because we cannot separate the competitively-bid price from the administratively-set price, we are unable to consider whether the competitively-bid prices on CTPs could serve as a benchmark.

Under the FMAs, prices charged for timber used in pulp production are different from the prices charged for timber used for other types of production. However, as in the case of Ontario, the Government of Alberta has indicated that sawlogs and pulplogs are indistinguishable prior to processing; the distinction in name relates exclusively to their ultimate mill destination.

In the FMAs for the pulplogs, the stumpage price for pulplogs is negotiated between the tenure holder and the Forest Service. Under these same FMAs, there is a provision that the negotiated pulp price will be adjusted annually according to a price published in the *Pulp & Paper Week*. For all other stumpage harvested by these FMA holders, other than that destined for pulpmills, these FMAs state that the holder will pay the rate of Crown dues established in the schedule of General Rate of Crown Dues. In FMAs for lumber producers, the price paid for all stumpage harvested is also the rate of Crown dues established in the schedule of General Rate of Crown Dues. In this schedule, stumpage fees are established for all types of logs except pulplogs, which the schedule indicates are sold at the negotiated "agreement rate."

Because the price paid by FMA holders for pulplogs is negotiated rather than set administratively, we preliminarily determine that the pulplog price is nonpreferential and, therefore, can be used as our benchmark for sawlog prices. Because no distinction is made between what constitutes pulplogs and what constitutes sawlogs, we do not need to make any adjustments for differences in the grade, species, size, or quality of the timber. However, adjustments to both the nonpreferential pulplog price and the administratively-set price paid by lumber producers must be made to reflect differences in fees

and in-kind services required under each of the tenure arrangements.

These adjustments were made using information provided in the questionnaire responses concerning stumpage fees, plus all additional fees charged by the government and all forest management obligations incurred by tenure holders. The obligations reported by respondents include cash payments, such as holding and protection charges, and in-kind services such as road building and maintenance, reforestation, and miscellaneous charges that include, among other things, forest management and scaling. Because all tenure holders, including holders of pulplog FMAs, incur these additional fees and in-kind services, adjustments had to be made to both the benchmark price and the administratively-set prices.

We accepted all adjustments reported in the questionnaire responses except for certain adjustments reported as being incurred by CTP holders. In reporting CTP holders' in-kind services, the government used the TQ holders' in-kind costs as a surrogate. Therefore, we have disallowed the claimed in-kind service costs for CTP holders.

Based on these adjustments, we calculated a weighted-average per unit price for sawlogs and compared it to the weighted-average per unit price for pulplogs reported in the response for pulplog FMAs. This comparison shows that the stumpage price paid by pulplog FMA holders for pulplogs is greater than the stumpage price paid for sawlogs by all tenure holders. Therefore, we preliminarily determine that stumpage is being provided to lumber producers at preferential rates.

To calculate the benefit, we multiplied the difference between the weighted-average per cubic meter price for pulplogs and the weighted-average per cubic meter price for sawlogs by the total softwood sawlog harvest. We divided this benefit by the value of Alberta softwood lumber shipments, plus the value of shipments of products produced during the lumber-manufacturing process (*i.e.*, chips, sawdust, fuel wood, and shavings). On this basis, we calculated a subsidy rate of 4.16 percent.

Manitoba, Saskatchewan, the Northwest Territories, and the Yukon Territory

As discussed above, we have found the stumpage programs in the provinces and in the territories to be specifically provided to a group of industries.

Although these programs are specifically provided, we do not need to reach the issue of preferentiality with respect to Manitoba, Saskatchewan, and the Territories. The export volumes of the subject merchandise from these provinces and territories represent approximately one percent of the total exports under investigation during the POI. Because the export volumes are so small, even if we were to apply the highest rates on the record, which are the rates provided by the Coalition in their January 30, 1992 submission, the resulting benefits would have a *de minimis* effect on the country-wide rate that will be applied to all exports of certain softwood lumber products to the United States that are subject to this investigation. Therefore, for purposes of this preliminary determination, we have assigned Manitoba, Saskatchewan, and the Territories the weighted-average country-wide rate.

Calculation of the Country-Wide Rate for Stumpage Programs

In order to calculate a country-wide program rate, we multiplied the rates calculated for BC, Quebec, Ontario, and Alberta by their relative share (or weight) of total Canadian softwood lumber exports to the United States during the POI which are subject to this investigation. This resulted in a weighted-average country-wide program rate of 6.25 percent.

B. Log Export Restrictions

The Coalition has alleged that the provinces of Alberta, BC, Ontario and Quebec restrict the export of logs. These restrictions allegedly result in an artificial increase in the domestic supply of logs and a subsequent lowering of the price of logs—the major input into lumber—thus providing an indirect benefit to lumber producers. As discussed below, we have evaluated all information regarding these export restrictions submitted in the context of this investigation and preliminarily determine that only the log export restrictions in BC provide an indirect domestic subsidy to lumber producers within the meaning of section 771(5)(A) of the Act. We also preliminarily determine that the log export restrictions in Alberta, Ontario and Quebec do not provide a subsidy to lumber producers.

Canadian Federal Government Log Export Controls

The Canadian federal government is granted jurisdiction over trade and commerce under section 91(2) of the Constitution Act of 1867. This act also grants the Canadian provincial governments jurisdiction over, *inter alia*, the development, conservation, taxation and exportation (from the province to another part of Canada) of nonrenewable natural resources and forestry resources in the province. The Constitution Act of 1867 also grants the provincial governments jurisdiction over the management and sale of public lands owned by the provinces and over the timber on those public lands.

The Canadian federal government controls the export of all logs from Canada primarily through the Export and Import Permit Act (EIPA), which was first enacted in 1947. The EIPA allows the Canadian government, among other things, to place certain goods on an Export Control List and require that anyone wishing to export these goods obtain an export permit from the federal government. The Federal Export Permit Regulations contain a special provision concerning the export of logs from BC.

A "Notice to Exporters" from the federal government, dated January 1, 1986, states that those persons wishing to export logs harvested from lands under federal jurisdiction (exports of logs from BC lands under federal jurisdiction constituted approximately 13 percent of total exports during the POI) located in BC must first receive a BC provincial log export permit (the federal regulations, by mandating BC export permits, effectively cover the remaining lands in BC, which are under provincial jurisdiction). To obtain this permit, the exporter must first receive an exemption from the BC domestic-processing requirements (as discussed below). According to the "Notice to Exporters," the exporter must apply to the BC MOF to acquire this exemption.

Upon receipt of the application, the MOF notifies potential domestic purchasers that the logs are available for domestic sale and that they may place a bid on the logs within 14 days of notification. If no offers are received within 14 days, the logs are deemed "surplus to domestic needs," and the exporter may then apply for a BC export permit. Upon receipt of the BC export permit, the exporter is eligible to apply for a federal export permit. If an offer to purchase the logs is received from a potential domestic purchaser, a Timber Export Advisory Committee (TEAC), made up of industry specialists, evaluates the offer. If the TEAC deems the offer "reasonable," the exemption is denied and no export permit can be granted. However, there is no requirement that a potential purchaser who makes a reasonable offer actually purchase the logs.

In its questionnaire response, the GOC states that it does not differentiate among applicants regarding log exports, and that all federal applications

regarding log exports are "routinely granted and granted quickly."

British Columbia Log Export Controls

In addition to the federal laws that restrict the export of logs from BC lands, the BC government has had its own restrictions on the export of logs since 1906. Shipments of logs from lands under provincial jurisdiction constituted approximately 87 percent of total exports during the POI. Currently, the exportation of logs from BC is controlled by the 1979 Forest Act. The provincial Forest Act requires that all timber harvested in BC must be used or manufactured in the province, unless exempted. This provision applies to all lands under provincial jurisdiction. The BC Lieutenant Governor in Council may grant an exemption from the requirement to process logs in BC. The primary basis for receiving an exemption is whether the logs are deemed "surplus" to provincial needs.

The procedures for determining if the logs are surplus to provincial needs are similar to those described in the federal "Notice to Exporters," discussed above. After logs have passed the "surplus" test and an exemption for export has been granted, the exporter must apply for a provincial export permit. A fee-in-lieu-of-manufacture (*i.e.*, an export tax) amounting to 100 percent of the difference between the export and domestic market values for the logs to be exported must be paid before the export permit is granted. Exports from lands under federal jurisdiction are not subject to the fee-in-lieu-of-manufacture.

Tenure holders under the SBFEP, in contrast to other tenure holders, are precluded from applying for an exemption because, according to the questionnaire responses of BC, "approval of an application for exemption from manufacture by a holder of such a license would be contrary to the objective of these licenses." In addition, BC has a complete ban on the exportation of western red cedar, yellow cedar, and cypress logs.

Alberta Log Export Controls

The Alberta Forests Act restricts the exportation of logs of any species from any provincial forest land (logs harvested on federal and private lands can be freely exported). The Forests Act gives the Minister of Forestry, Lands and Wildlife broad authority to grant an exemption from these restrictions for logs from any specified forest land for a one-year period. During the POI, Alberta received only one request to export softwood logs, but the prospective buyer canceled the order while the request was pending.

Ontario Log Export Restrictions

Section 15 of the Crown Timber Act states that all timber harvested on Crown (provincial) lands in Ontario must be manufactured in Canada unless certain conditions are met. The Crown Timber Act does not apply to privately held lands or federal lands.

The export restrictions embodied in the Crown Timber Act are subject to exemptions created in a 1968 Order in Council that set annual export quotas, with an accompanying levy (which ranges from $0.04 to $0.42 per cubic meter). The export quotas are 100,000 cords of popular and white birch and 50,000 cords of spruce, balsam, fir, and jack pine. These quotas have never been met. Any Crown licensee may apply for a portion of the annual export quota by submitting a request to the Ministry of Natural Resources and providing certain information. The applicant may be asked to document that the logs to be exported have been offered to local Canadian mills at a fair market price, that none was willing to purchase the logs, and that the logs are otherwise domestically unmarketable.

Quebec Log Export Restrictions

Quebec's Forest Act states that all timber harvested on Crown (provincial) lands must be completely processed in Quebec. The Quebec government may authorize shipment outside of the province of logs harvested from Crown lands if "it appears contrary to the public interest to do otherwise." The provincial log export restrictions of the Forest Act do not apply to timber harvested from private or federal lands.

Comparison of Log Export Restrictions in British Columbia and Other Provinces

There are important differences between the export restrictions in BC and the restrictions in Alberta, Ontario, and Quebec. These differences can be seen not only in the structure of the laws, regulations and procedural requirements governing the various programs, but in the effects of the programs as well. For purposes of our analysis, we have examined provincial differences in legal and procedural requirements, as well as differences in such factors as the quantity of private and provincial timber exported, the quantity of logs imported, the markets to which provincial logs are directed, and provincial transportation factors.

The restrictions on the export of logs in BC are explicitly mandated by both federal and provincial law. The federal regulations, enacted in 1966, require that those seeking to export logs from BC obtain an exemption from BC domestic processing requirements and receive a BC export permit in order to qualify for federal approval to export. However, the federal regulations contains no such provisions with respect to the other provinces under investigation. The federal regulations regarding the export of logs from these provinces merely place logs on an export control list and require an export permit, which is routinely granted, but leave discretion to the provinces (*i.e.*, it is the law of each province that is controlling).

BC's legal and regulatory procedures for export are considerably more restrictive than those in Alberta, Ontario, and Quebec. The laws governing export restrictions in BC are complex, the regulations and procedures are highly formalized and, as noted above, the entire BC legal framework is explicitly linked with the federal law. The federal and provincial laws affect all provincial, federal, and private lands in the province. In BC, the procedures for exporting logs are more restrictive (involving a series of applications at both the provincial and federal levels) than in the other three provinces. Only BC maintains such a prohibitive export tax; the other three provinces require only minimal, if any, export charges.

In terms of the actual application of the export restrictions in Alberta, Ontario and Quebec, none of the three provinces restricts log exports from either private or federal lands, and each province has routinely granted requests for export from provincial lands. In Alberta, federal and private lands comprise 1.8 percent of the total harvest. During the POI, Alberta received only one application to export logs, but the order was canceled while the application was pending. Ontario exporters may be asked to document that the logs to be exported have been offered to local mills at a fair market price. Historically, applications to export logs from Ontario have been routinely granted. Federal and private lands comprised seven percent of the total harvest in Ontario during the POI. In Quebec, federal and private lands comprised 17.5 percent of the total softwood harvest during the POI.

Having examined the legal and regulatory requirements governing the export of logs from all four provinces, we then reviewed the actual occurrence of log exports from each province. Despite having the most pervasive regulatory impediments to log exports among the four provinces, BC exported about one percent of total softwood harvest during the POI. In absolute

terms, BC exported 667,000 cubic meters of softwood logs compared with only 6,435 cubic meters for the other three provinces combined. In other words, BC exported one hundred times the amount of logs exported by the other three provinces combined. Consequently, while BC's legal and regulatory requirements have clearly had the effect of preserving nearly all (99 percent) of the province's softwood harvest for domestic processing, BC logs have nonetheless captured the major proportion of Canada's external trade in logs.

As discussed, unlike BC, the provinces of Alberta, Ontario and Quebec do not place restrictions on the export of logs from private lands. Despite this, there are no significant exports of logs from private lands in these three provinces.

In Quebec, the private softwood harvest represents 17.3 percent of the total softwood harvest. The majority of private timber is harvested in the south of the province, closest to U.S. markets and outlets to European markets. Despite this proximity, only 0.02 percent (972 cubic meters) of the total private softwood log harvest in Quebec was actually exported during 1990. Because the majority of provincial land is located further north in the province, where transportation costs to available export markets would be even higher, it is likely that an even lower percentage of logs would be exported from provincial lands if they were unrestricted. Furthermore, while the softwood harvest represents 65 percent of the total private harvest in Quebec, softwood exports represent only 15 percent (972 cubic meters) of total log exports from Quebec. This suggests that there is much greater external demand for hardwood logs from Quebec than for softwood logs. In contrast, BC exports almost exclusively softwood logs (99 percent).

Alberta and Ontario have only minimal exports of logs from unrestricted private lands. According to questionnaire responses submitted to the Department, Alberta did not export any logs from private lands during the period of review. Even though official federal government data indicate that there were exports from Alberta, the Government of Alberta claims that these were transshipments from BC. In addition, in the case of Alberta, which has a small private logging sector, there have been very few applications to export logs. According to the questionnaire responses submitted by Alberta, an evaluation of the cost to transport generally poor quality logs from harvesting sites in Alberta to mills across the border in the United States indicates that transportation costs alone would be prohibitive. The majority of the timber harvest in Alberta is located more than 150 miles from the United States border. Moreover, affidavits submitted by the Coalition on behalf of U.S. importers along the Canadian border indicate that lumber producers generally do not transport logs more than 150 miles by land. See February 21, 1992, submission by counsel for the Coalition (Exhibit 11).

Ontario softwood log exports from private lands totaled 5,463 cubic meters during the POI. The total softwood harvest on private land was 983,691 cubic meters, meaning that only 0.6 percent of the total Ontario private softwood harvest was exported during the POI. In addition, Ontario has put into place an export quota system for logs exported from provincial lands. Despite the fact that log export requests are virtually always granted, export quotas in Ontario have never been filled. Thus, the low level of exports from Ontario would seem to be explained by factors other than the presence of export restrictions.

In sum, BC exporters, despite facing substantial impediments to export, still export about one percent (667,000 cubic meters) of their total softwood harvest (67,318,692 cubic meters), whereas exporters in the other three provinces, despite less stringent impediments, export 0.1 percent (6,435 cubic meters) of the total unrestricted private and federal softwood harvest (5,421,218 cubic meters). This suggests that if BC's restrictions were lifted, an even greater quantity of logs would be exported, whereas if the export restrictions were lifted in the other three provinces, there would be no noticeable effect.

Another factor we considered is the balance of trade in softwood logs, that is, log imports in relation to log exports. During fiscal year 1990–1991, 664,000 cubic meters of logs were exported from BC, while only 281,513 cubic meters of logs were imported (mostly from the United States).

The Province of Quebec, in contrast to BC, imports many more softwood logs than it exports. During 1990, 3,087,974 cubic meters of logs were imported, as opposed to only 28,417 cubic meters exported. There are also some companies in Quebec that use primarily U.S.-origin logs in their production process. These patterns of trade seem to indicate that the demand in Quebec for U.S. logs is greater than external demand for Quebec logs. If the price for logs of comparable species and quality in Quebec were artificially low as a result of the export restrictions, U.S. loggers would be unable to compete in that market. Further, if logs commanded a higher price in the United States than in Quebec, it would seem that, with no export limitations, more logs would be exported to the United States from private lands in Quebec. This is not the case.

In Ontario, a similar pattern is evident. Ontario imports many more logs than it exports. During the POI, softwood log imports totaled 250,153 cubic meters, while exports were only 5,463 cubic meters. All exports were from private lands.

Another meaningful factor affecting the conditions between the log export restrictions in BC and those in the other three provinces is different foreign market demand. Because of BC's geographical location, its log exports are primarily destined for the Pacific Rim market. In fact, during the POI, 99 percent of BC's log exports were to the Pacific Rim. In contrast, less than one percent of the exports from the other three provinces went to that market.

BC is located in the Pacific Northwest, which has one of the most active log markets in the world. The Pacific Rim log market is supplied with logs from the United States, BC, and Russia. In the past few years the supply of logs to the Pacific Rim from the northwest United States has decreased dramatically as a result of restrictions on harvesting timber from old growth forests, set-asides for the spotted owl, and other environmental considerations. At the same time, Canada is the largest producer of certain species of timber, such as clear hardwood, cedar, and cypress, which are in high demand in the Pacific Rim, but these and other species have been subject to increasing export restrictions in BC. This combination of factors has limited the availability of logs in the Pacific Rim market. Therefore, it is likely that if BC's export restrictions were lifted, more logs would be exported to satisfy the demand.

The provinces of Alberta, Quebec and Ontario do not have direct access to the Pacific Rim market. Transportation costs alone would preclude any significant shipment of logs from Alberta, Quebec or Ontario to the Pacific Rim. Furthermore, the markets to which these provinces do export (the north central and eastern United States and, to some extent, Europe) do not face the same supply constraints (*i.e.*, environmental limitations and rigorous export controls) found in the northwestern United States and BC.

According to Timber Trends and Prospects for North America, prepared

by Forestry Canada and the USDA Forest Service; United Nations Economic Commission for Europe, Geneva; Food and Agriculture Organization of the United Nations, Rome 1990, (p. 37):

(North America) is a net exporter of coniferous sawnwood, paper, paperboard, woodpulp, pulpwood and logs. Pulpwood and coniferous (*i.e.* softwood) logs have the Pacific Rim as the major market. Sawnwood (lumber) and fiber based products have a more diversified market which includes Europe.

The United Nations report continues:

One of the most visible market developments for the North American timber industry has been the sale of coniferous logs to the Pacific Rim markets. From small volumes in the early 1960's, the market expanded to nearly 15 million cubic meters in 1985. The origin of the logs has been primarily the states of Washington and Oregon and secondarily the Province of British Columbia and the State of Alaska. Japan and, since 1980, the People's Republic of China are the primary destinations. (p. 38)

In conclusion, our analysis of both the legal and commercial factors affecting the export of softwood logs from Alberta, BC, Ontario, and Quebec indicates that two separate phenomena appear to exist. First, notwithstanding the restrictiveness of BC's legal impediments to export, which cover federal, provincial, and private lands, a considerable market for BC logs exists outside of the province. In spite of these tight restrictions, BC still manages to export 100 times more than the three other provinces. This, among the other factors we examined, shows that the restrictive net in BC acts to stifle what would otherwise be a significant flow of log shipments abroad, resulting in a domestic supply of logs in BC that is artificially high. In contrast, despite the lack of restrictions on private lands in Alberta, Ontario and Quebec, as well as other factors we examined, private land exports from those three provinces are insignificant, indicating that exports are not suppressed, resulting in no effect on the domestic supply of logs in those three provinces.

Effect of British Columbia Export Restrictions

As described above, the restrictions governing the export of logs from BC arise from a compilation of laws and regulations that, taken together, result in a near total embargo on the export of logs from BC. The primary restraint is the requirement that all logs harvested in BC must be processed in BC (see the Forest Act of BC). Only if logs are deemed "surplus" may the provincial authorities (and, subsequently, the federal government) even consider allowing an exemption to the provincial processing requirement. The fact that exempted surplus logs are subject to an additional 100 percent tax on the differential between the domestic price and the export price is, in fact, only a secondary hurdle to the export of logs. While it is certain that the tax further reduces any remaining incentive to export, the greatest effective impediment to export is the requirement that logs be proven to be surplus.

The export tax requirement is, therefore, not our exclusive focus. Rather, it is the cumulative impact of this web of regulatory and procedural impediments, which together amount virtually to a *de facto* embargo on the export of logs, that the Department must evaluate in the context of the Act.

Following our analysis under the previous section, we preliminarily determine that these export restrictions, *in toto*, suppress what would otherwise be a substantial flow of logs out of BC. This artificially imposed reduction in the quantity of logs exported yields a corresponding increase in the quantity of logs available in the BC domestic market.

According to generally accepted principles of economics, when domestic supply is increased, as occurs in the case of BC logs, there will be a concomitant decrease in the price or value of logs on the domestic market. This will occur regardless of whether lumber producers purchase logs on the open market or harvest and mill logs themselves. In the first instance, the nonintegrated lumber producer purchases a lower priced input (*i.e.*, logs) in an arm's length transaction. In the second instance, the artifically depressed price for the logs milled by the integrated producer discourages the sale of logs and encourages processing (*i.e.*, milling) of the higher value product—lumber. If the export restrictions on logs were lifted and the domestic price or value of logs rose, integrated producers would likely sell more logs in relations to lumber, either in the export or domestic market. This would lead to a relative decrease in the BC domestic supply of logs and a corresponding increase in the BC domestic price or value of logs—the major input into lumber.

Because the export restrictions on logs in BC affect all users of logs and are not contingent upon export performance, the restrictions do not constitute an export subsidy. Rather, the export restrictions benefit the production of all lumber produced, whether sold domestically or exported. For this reason, the export restrictions in BC confer a domestic subsidy. In accordance with section 771(B), we preliminarily determine that these restrictions are provided to a specific enterprise or industry, or group of enterprises or industries. The export restrictions benefit a specific group of industries, the primary timber processing industries. (For a definition of the primary timber processing industries, see Specificity of Stumpage Programs above).

Section 771(5)(A) of the Act provides the following definition for the term "domestic subsidies":

(A) In General.—The term "subsidy" has the same meaning as the term "bounty or grant" as that term is used in section 303, and includes, *but is not limited to*, the following:

* * * * *

(ii) The following domestic subsidies, if provided or required by government action to a specific enterprise or industry, or group of enterprises or industry, whether publicly or privately owned and whether paid or bestowed *directly or indirectly* on the manufacture, production or export of any class or kind of merchandise:

(I) The provision of capital, loans or loan guarantees on terms inconsistent with commercial considerations.

(II) The provision of goods or services at preferential rates.

(III) The grant of funds or forgiveness of debt to cover operating losses sustained by a specific industry.

(IV) The assumption of any costs or expenses of manufacture, production or distribution.

(emphasis added).

In this provision, Congress offers general guidance for identifying a domestic subsidy. Section 771(5)(A) cites four examples that may be considered to be domestic subsidies. However, as noted specifically in this provision, these examples are intended only to be illustrative of some of the range of government practices which Congress envisaged would be encompassed by the term "domestic subsidies" ("the term 'subsidy' * * * includes, *but is not limited to*, * * *") (emphasis added). Indeed, the report of the Committee on Ways and Means, House of Representatives (H.R. No. 96–317, 96th Cong., 1st Sess. (1979)) states:

The Committee does not intend for this to be a comprehensive, exclusive enumeration of domestic practices which will be considered subsidies. It is a *minimum* list, an identification, for purposes of clarification, of those practices which are definitely subsidies. In deciding whether any other practice is a subsidy, the standard remains that presently used with regard to a "bounty or grant" under section 303. However, to the extent the enumerations under this provision might provide a basis for expanding the present standard consistent with the underlying principles implicit in these

enumerations, then the standard shall be so altered.

(emphasis added).

Similar language appears in the Senate Report. See S. Rep. No. 96–249, 96th Cong., 1st Sess. (1979).

Therefore, the examples in the statute are illustrative only; the standard for determining whether a government program confers a domestic subsidy is expected to be defined by "the underlying principles implicit in these enumerations," and not be limited by those examples.

The Department has recognized, in numerous other cases, "that subsections (i)–(iv) do not constitute an all-inclusive list of domestic subsidies," and the administrative practice of the Department has not restricted findings of countervailability concerning domestic programs to only the four examples cited above. (See, *e.g.*, Final Affirmative Countervailing Duty Determination and Countervailing Duty Order; Carbon Black from Mexico, 48 FR 29564 (June 27, 1983); and Final Negative Countervailing Duty Determination; Anhydrous and Aqua Ammonia from Mexico, 48 FR 28522 (June 22, 1983)).

Because the reduction in log prices does not result from direct government control of those prices, but comes about indirectly from a government-induced increase in the domestic supply of logs, the Department considers that the export restrictions on logs from BC, as described above, provide an indirect, rather than a direct, benefit to BC softwood lumber producers.

We have addressed the indirect provision of a subsidy in prior cases. For example, we stated:

> Under the Act, the Department is required to determine whether respondents have received subsidies within the meaning of the Act. To do so, the Department seeks to determine whether or not respondents have received directly or indirectly an economic benefit. Whereas this is relatively easy in the case of a direct bestowal of a grant, it is quite difficult with regard to indirect subsidies allegedly conferred through the subsidization of inputs used in a final product.

See Final Determination and Countervailing Duty Order; Certain Steel Products from the Federal Republic of Germany 47 FR 39353 (September 7, 1982).

In past proceedings, the Department has countervailed a variety of subsidies that indirectly benefitted producers or exporters of the merchandise under investigation. For example, the preference for export loans over domestic loans, created by a preferential rediscounting system of the Government of Korea, encouraged commercial banks to provide export loans over domestic loans to large companies. Even though the interest rates on both export and domestic loans were the same, the Department found that the government was providing an indirect benefit to the manufacturer because a pool of loans was available to the manufacturer that would not have been available absent government intervention in the commercial banking system. See Final Affirmative Countervailing Duty Determination; Oil Country Tubular Goods from Korea, 49 FR 46776 (November 28, 1984).

In the Final Affirmative Countervailing Duty Determinations on Stainless Steel Sheet, Strip, and Plate from the United Kingdom, 48 FR 19052 (April 27, 1983), we stated:

> Subsidies used to close redundant facilities or to purchase idled assets clearly constitute countervailable benefits under the statutory definition of "subsidy." Section 771(5)(B) of the Act defines "subsidy" to include various types of benefits "paid or bestowed directly or indirectly on the manufacture, production, or export of any class or kind of merchandise." Clearly, redundancy funds and plant closures make the recipient more efficient and relieve it of significant financial burdens. Thus, such funds are unquestionably indirect, if not direct benefits to BSC's manufacture, production or export of steel and consequently are countervailable.

Finally, we note that the notion of subsidies indirectly benefitting a good is well grounded in the relevant provisions of the General Agreement on Tariffs and Trade (GATT). Both Article VI of the General Agreement and Article 1 of the Agreement on Interpretation and Application of Articles VI, XVI, and XXIII of the GATT (the GATT Subsidies Code) explicitly provide for the term "countervailing duty" to mean "a special duty levied for the purpose of off-setting any bounty or subsidy bestowed directly *or indirectly* upon the manufacture, production or export of any merchandise * * *" (emphasis added). See Article 1 of the GATT Subsidies Code; Footnote 4.

We most recently considered the effect of export restrictions in Leather from Argentina; Final Affirmative Countervailing Duty Determination and Countervailing Duty Order, 55 FR 40212 (October 2, 1990) (Leather). In Leather, we found that an embargo on the export of hides served to decrease the domestic price for those hides, thereby providing a benefit to leather producers by decreasing the price of the primary input. The export restrictions in BC are analogous to the embargo in Leather. In Leather, we concluded that the low domestic hide prices were linked to the hide embargo. Further, we determined that this price effect provided a countervailable benefit to leather producers.

In Leather, the standard we used for determining whether the embargo affected hide (the input product) prices was whether it had a "direct and discernible effect" on those prices in Argentina (the standard we articulated was whether there is a direct effect on the input product, even though we recognize that the effect on the processed product under investigation is indirect). We measured the benefit by comparing Argentine hide prices over approximately a 30-year period in relation to a benchmark based on U.S. prices over the same period. We determined that domestic prices for hides were directly linked to the hide embargo by analyzing the hide prices during periods in which the embargo was in effect and periods in which the embargo was not in effect.

To determine whether the impact of log export restrictions in BC has a direct and discernible effect on the price of logs, we have reviewed studies on the record in this investigation. These studies indicate that the export restrictions on logs directly affect the domestic price of logs in BC.

One study we evaluated was The Economic Impact of Removing Log Export Restrictions in British Columbia (Michael Margolick and Russell Uhler Information Report 86–2; April 1986) (the Margolick Study). The Margolick study analyzes the effects on the BC provincial economy of the complete removal of the restrictions on the quantity of logs exported. The study, completed in 1986, and partially funded by the Canadian Forestry Service, attributes a 22 percent decrease in the BC export price for logs to the removal of the log export restriction.

The study, based on 1983 data, held constant such factors as the policies of other major actors in the Pacific Rim market, including the United States and Japan. Since 1983, the export restrictions have only increased. The 22 percent decrease in export prices measured by Margolick reflects only the effect of lifting BC's export restrictions.

In reviewing this study, we gave particular attention to whether the price reductions were actually the effect of the export restrictions, or were attributable to other factors, such as species and grade differences and transportation costs. We have taken into account the price differentials that occur as a direct result of the export restrictions (see Measurement of the Benefit section below).

Another study we reviewed indicates that the *de facto* embargo on log exports

causes the BC domestic price of logs to remain artificially low, while allowing the wood processing industry to increase production because of lower "wood costs" (*i.e.*, log prices). See Forest Management and Economic Growth in BC, M.B. Percy, Canadian Government Publishing Center, 1986.

As distinct from Leather, the factual circumstances in this case are made more complicated by the fact that export restrictions in BC have been in place since 1906. However, some conclusions may be drawn from minor changes in export restrictions that have occurred. The only observable different in recent years stems from a change in the amount of the export tax rate. When the export tax increased from 40 percent to 100 percent of the differential between export and domestic prices, exports decreased by over 60 percent (from approximately three percent of the total BC harvest to one percent). However, because the supply of logs on the domestic market increased by only a small amount (since 97 percent of the domestic log harvest was not exported), there was apparently no change in the considerable price differential that already existed between export and domestic prices as a result of the increase in the export tax.

The change in the export tax also demonstrates that the factor most likely to affect the quantity of logs exported, and consequently the domestic price of logs, is the domestic processing requirement. As discussed above, we have preliminarily determined that it is the combination of the legal and regulatory requirements maintained in BC that is tantamount to an export embargo. Further, as noted above, these requirements can be linked directly to the increase in supply and, as supported by the findings of the Margolick study, the resulting artificially low price of logs in BC. Margolick states at p. 4:

> The prices can only remain different as long as the two markets are effectively separated by export quantity or tax restrictions. * * * If these restrictions are completely removed, then the markets will become a single integrated market with a single price given at the point where the excess supply in British Columbia equals the excess demand in the Pacific Rim market.

Although Margolick refers to tax restrictions above in the generic sense, we have already established that it is the compilation of laws and procedural requirements, together with the tax, that constitute a virtual embargo.

Measurement of the Benefit

As discussed above, log export restrictions in BC result in an increase in the domestic supply of logs and a decrease in the domestic log price. Because logs are the primary input into lumber, the decrease in the domestic log price caused by export restrictions artificially reduces the production costs of lumber producers. In order to measure the benefit to lumber procedures during the POI, we examined the difference between the current domestic log price and the price that would exist if the restrictions were not in place.

The export price that would prevail absent the export restrictions was derived using the following methodology. First, we calculated the BC weighted-average unit value of softwood sawlog exports during the POI. Unit values were reported by species. Actual export prices were requested from the BC government, but BC submitted only the aggregate volume and value data for softwood log exports (*i.e.*, sawlog, pulplog, and veneer log), as reported by Statistics Canada. The Coalition submitted more detailed information from Statistics Canada that broke out sawlogs, by species, separately. Therefore, we used the sawlog unit values, as reported by Statistics Canada, as a surrogate for the actual export prices.

BC also provided detailed data on export volume by species and grade for the coastal region of BC. For the interior, the provincial government provided export volume by species only. During the POI, 52 percent of total exports were from the coast and 48 percent were from the interior. Thus, it is clear that the weighted-average unit value from Statistics Canada represents a mix of coast and interior export prices. Furthermore, as indicated by these data, log exports from both the coast and the interior fall primarily into two species categories: hembal (*i.e.*, hemlock and balsam fir) and spruce.

According to the Margolick Study, discussed above, if the log export restrictions were lifted, the supply of logs to the Pacific Rim market (the market for 99 percent of BC exports) would increase and the price for logs would decrease by 22 percent. We have applied Margolick's results in our calculation by decreasing the weighted-average price of logs exported from BC by 22 percent to arrive at the BC export price that would result from lifting the restrictions.[3] Furthermore, although the Margolick study concentrates on the effect of the restrictions on BC coastal log prices, it is reasonable to conclude that lifting the export restrictions would affect the export price of the interior region approximately to the same degree as the coastal region because, as noted above, approximately one-half of the exports of softwood sawlogs during the POI were from the interior of BC, and both coastal and interior exports fall predominantly into two species categories, hembal and spruce.

We then deducted from this new price the additional costs involved in exporting logs. We accepted the following costs as reported in the BC questionnaire response for purposes of this preliminary determination: Dry land sorting, volume lost, and export transportation. BC indicated that exporters only incurred the reported per cubic meter export transportation cost on approximately 25 percent of their exports. We therefore multiplied the reported cost by 25 percent to obtain the correct per cubic meter deduction. The final price after these adjustments is the benchmark (*i.e.*, the price absent the restrictions). BC claims that export prices should be adjusted for "falldown sort costs." This claim is based on the fact that when log rafts are sorted into export and domestic components, the domestic component is no longer a true domestic sort. Rather, it is a "domestic falldown" sort, containing small and low grade logs which command a price considerably lower than a "true" domestic sort. We did not make any adjustment for falldown sort costs because any adjustment of this type would be duplicative of our species/grade adjustment (see below).

Because the original export unit value used to calculate the benchmark was based on weighted-average unit values from the coast and interior, we calculated a similar weighted-average BC domestic log price. BC records domestic log prices from the Vancouver log market in order to appraise timber stands in the coastal region. BC reported these price data on a weighted-average basis by species and grade. The province stated that information on interior log prices is not available.

According to various industry and government forestry sources, it is commonly accepted in the industry that the price of a log is equivalent to stumpage costs plus logging costs. Therefore, we constructed an interior log price based on the average interior competitive SBFEP stumpage rate plus logging costs (road costs, tree-to-truck logging costs, post-logging costs, haul

[3] We did not account for western red cedar in our adjustment of the export price, which Margolick estimates would yield a 25 percent decrease in the BC export price, because of the outright export ban on this species and the virtual absence of exports of this species. Including red cedar in the adjustment would distort the calculation by accounting for a species that is not in the current export mix.

costs, general and administrative costs) and profit.

We used the competitive SBFEP stumpage rate in our calculation because it was the only market-based stumpage rate available. We do not have stumpage prices for private timber in the interior, and we have preliminarily determined that administratively set stumpage rates for major tenure holders confer a subsidy. To include the preferential rates in our constructed price would underestimate the market price of an interior log and overestimate the benefit of the log export restrictions by the amount of the stumpage benefit (the difference between the administratively set stumpage rates and the competitive SBFEP stumpage rates). A constructed price using this competitive stumpage rate more accurately reflects the market price for domestic logs because of the link between the competitive SBFEP rate and the domestic log price. The greater flexibility of their tenures allows competitive SBFEP tenure holders to more readily use the domestic log market as an alternative or a supplement to their own harvests. Clearly, tenure holders in the competitive SBFEP program will not rationally bid for stumpage above a rate equivalent to the market price for domestic logs less logging costs. Absent actual prices, the competitive SBFEP rate plus the above-noted logging costs provide the best estimate for the interior domestic log price.

Logging costs were taken from information submitted by BC in its responses. We applied the same per unit annual rent charges used in the BC stumpage calculation for competitive SBFEP tenure holders in the interior. Road costs were broken down into two components: Road building and road maintenance. We estimated that road building costs for competitive SBFEP tenure holders were approximately 25 percent of the road building costs incurred by major tenure holders as described in the stumpage subsidy calculation. We estimated that surface maintenance costs for competitive SBFEP tenure holders were approximately 41.5 percent of the total road maintenance costs incurred by major tenure holders. As we could not determine average tree-to-truck logging costs and post-logging costs from the Interior Appraisal Manual, we estimated an interior average for these costs by applying the actual costs reported in the sample appraisal submitted by BC. Average general and administrative costs were calculated from the regional interior averages listed in the manual. We could not calculate average log haul costs directly from the manual. However, minimum highway and off-highway log haul rates were listed. We, therefore, used a simple average of these two minimum rates as a surrogate for the average log haul rate. Because profit figures for interior logging operations were unavailable, we applied the eight percent profit rate provided for in the antidumping statute. (See, section 773(e)(B)(ii) of the Act.)

The constructed interior price and the actual coastal log price were then weight-averaged according to their respective share of the total BC harvest in order to construct a BC domestic log price. Next, because the species and grade mix in the export and domestic markets are different, we adjusted this weighted-average domestic log price for the different species/grade distributions between the two markets. This was done so that the domestic price would mirror the benchmark price and a fair comparison could be made.

After adjusting for differences in species, grades and certain additional costs associated with exporting, we calculated the difference between the benchmark price and our adjusted domestic price. This difference represents the per cubic meter benefit to lumber producers. We multiplied this per cubic meter benefit by the total softwood sawlog harvest for BC (including private and federal lands from which log exports are also restricted). We divided this benefit by the value of BC softwood lumber shipments, plus the value of shipments of another product produced in sawmill from softwood sawlogs (*i.e.*, railway ties), plus the value of shipments of products produced during the lumber manufacturing process (*i.e.*, chips and sawdust). On this basis, we calculated a subsidy rate for BC of 10.54 percent.

Calculation of The Country-Wide Program Rate for Log Export Restrictions

In order to calculate a country-wide program rate, we multiplied the rate calculated for BC by its relative share (or weight) of total Canadian softwood lumber exports to the United States during the POI which are subject to this investigation. We assigned Quebec, Ontario, Alberta, Manitoba, Saskatchewan, and the Territories zero rates for the reasons outlined above. This resulted in a weighted-average country-wide program rate of 8.23 percent.

Verification

In accordance with section 776(b) of the Act, we will verify the information used in making our final determination.

Suspension of Liquidation

In accordance with section 703(d) of the Act, we are directing the U.S. Customs Service to suspend liquidation of all entries of the subject merchandise from Canada, except for the provinces of Prince Edward Island, Nova Scotia, New Brunswick, and Newfoundland (the Maritime Provinces), which are entered, or withdrawn from warehouse, for consumption, on or after the date of publication of this notice in the **Federal Register** and to require a cash deposit or bond for all entries of this merchandise equal to 14.48 percent *ad valorem* for each entry of this merchandise. Because exports to the United States of certain softwood lumber products produced in the Maritime Provinces were exempt from payment of the export charge under the MOU, the Maritime Provinces are exempt from this investigation.

The following companies are preliminarily excluded from the suspension of liquidation:

1. J.A. Fontaine et Fils, Inc.
2. J.D. Irving
3. Marcel Lauzon, Inc.
4. Les Produits Forestiers D&G, Limited
5. Francois Giguere, Inc.
6. Real Grondin, Inc.

ITC Notification

In accordance with section 703(f) of the Act, we will notify the ITC of our determination. In addition, we are making available to the ITC all nonprivileged and nonproprietary information relating to this investigation. We will allow the ITC access to all privileged and business proprietary information in our files provided the ITC confirms that it will not disclose such information, either publicly or under an administrative protective order, without the written consent of the Assistant Secretary for Import Administration.

Our final determination is scheduled for May 19, 1992. If our final determination is affirmative, the ITC will make its final determination within 45 days of the Department's final determination.

Public Comment

In accordance with 19 CFR 355.38, we will hold a public hearing, if requested, to afford interested parties an opportunity to comment on this preliminary determination, on April 24, 1992, at 10 a.m. Please contact the

individuals listed in the "For Further Information Contact" section above for the hearing location. Individuals who wish to request a hearing must submit such a request within ten days of the publication of this notice in the **Federal Register** to the Assistant Secretary for Import Administration, U.S. Department of Commerce, room B099, 14th Street and Constitution Avenue, NW., Washington, DC 20230. Parties should confirm by telephone the time, date, and place of the hearing 48 hours before the scheduled time.

Requests must contain: (1) The party's name, address, and telephone number; (2) the number of participants; (3) the reason for attending; and (4) a list of the issues to be discussed. In addition, fifteen copies of the business proprietary version and five copies of the nonproprietary version of the case briefs must be submitted to the Assistant Secretary no later than April 17, 1992. Fifteen copies of the business proprietary version and five copies of the nonproprietary version of the rebuttal briefs must be submitted to the Assistant Secretary no later than April 22, 1992. If the case brief and rebuttal brief contain only nonproprietary information, then fifteen copies of each respective brief must be submitted to the Department. An interested party may make an affirmative presentation only on arguments included in that party's case or rebuttal briefs. Written arguments should be submitted in accordance with 19 CFR 355.38 and will be considered if received within the time limits specified above.

This determination is published pursuant to section 703(f) of the Act (19 U.S.C. 1671b(f)) and 19 CFR 355.15.

Dated: March 5, 1992.

Alan M. Dunn,

Assistant Secretary for Import Administration.

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Part IV

Department of Labor

Employment and Training Administration

Job Training Partnership Act Titles II-A and III: Proposed Reporting of Standardized Participant Information; Notice

DEPARTMENT OF LABOR

Employment and Training Administration

Job Training Partnership Act Titles II-A and III: Proposed Reporting of Standardized Participant Information

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice of proposed reporting of standardized participant information; request for comment.

SUMMARY: The Department of Labor (Department) is requesting comments on a proposed reporting system for programs funded under Titles II–A and III of the Job Training Partnership Act. This reporting system would require States to maintain demographic, program participation and outcome information on each participant enrolled in the above referenced programs and to transmit this information annually to the Department. Information on program expenditures is excluded from the proposed record-keeping system and will be required in a separate financial report.

DATES: Written comments are invited from interested parties. Comments must be submitted on or before April 13, 1992.

ADDRESSES: Comments shall be addressed to the Assistant Secretary of Labor, Employment and Training Administration, U.S. Department of Labor, room N5629, 200 Constitution Avenue NW., Washington, DC 20210, Attention: Karen Greene, Chief, Division of Performance Management and Evaluation.

FOR FURTHER INFORMATION CONTACT: Karen Greene, Telephone (202) 535–0680 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION: The Department of Labor (Department or DOL) is soliciting broad comment on the proposed data elements and their definitions, as well as on questions pertaining to the implementation of the data management system needed to maintain and transmit the required information.

A. Authority and Purpose

Section 165 of the Job Training Partnership Act (JTPA) requires that grant recipients maintain and submit information that the Secretary of Labor (Secretary) needs to appraise the performance of Departmental programs. In particular, section 165(c)(2) requires the maintenance of a management information system designed to facilitate the uniform compilation and analysis of programmatic data necessary for reporting, monitoring and evaluation purposes. The Department is proposing refinements to its current management information system which will ensure greater data consistency and improved access to participant-level information. These refinements will enable all levels of JTPA policymakers to make more meaningful comparisons of client characteristics, service delivery and program results thus, contributing to improved client services and better program management.

B. Reasons for Reporting Participant-Level Information

JTPA policymakers at all levels—Federal, State and local—need more meaningful feedback on whether policies that create changes in program design and client participation actually result in performance improvements. Proactive program management is dependent on adequate and timely information on what local JTPA programs are accomplishing and how they are achieving these results. JTPA policymakers and program managers can use participant-level information to stimulate improved program performance, to communicate the value of public programs to elected officials and budgetary bodies, to strengthen public confidence in federal employment and training activities and to leverage resources to maintain and enhance program operations.

Uniform participant-level data are needed to address important issues regarding the quality of services and the nature of employment that JTPA is providing to its clients, particularly those hardest-to-serve. Improved program accountability is not only a concern at the federal level, but States and localities are becoming increasingly interested in determining how equitably services are provided to clients, how likely participants are to get placed in and retain employment, and what combinations of training and services appear to be the most effective in leading to quality employment for different client groups.

Inadequacy of Current Federally Required Reporting

Increased earnings and employment quality have been longstanding objectives of the program. Current federal reporting provides no information on the kinds of jobs and wage rates that various client groups obtain through program participation, and the nature of the occupational training that may contribute to earnings and employment gains. This is due to the fact that Federal reporting only involves the collection of aggregate data. Such information provides estimates of program performance and forms the basis of JTPA's performance standards. It cannot be used, however, to determine what services different demographic groups receive or what happens to them after they leave the program.

The only source of regulatory collected participant-level data for JTPA Titles II–A and III is the Job Training Quarterly Survey (JTQS). JTQS data are drawn from a sample of Service Delivery Areas (SDAs) and Substate Areas (SSAs). Census employees manually extract information from SDA records to complete a standardized form for each of a sample of participants. Items are entered on the standardized form if they are found.

Inadequacy of the Job Training Quarterly Survey

Both the usefulness and validity of the survey are severely limited because of low response rates on many items. Many important questions have non-response rates of 40 percent and more, making them problematic for analysis. This is particularly true of information that is not federally required for administrative reporting.

Because recorded items that are not now required for federal reporting are defined differently by each SDA, the JTQS data also suffer from lack of consistency. Census employees are not equipped to make subtle distinctions between definitions used in local offices and those used on the JTQS forms.

Establishing a national detabase with uniform information on JTPA clients will enable the Secretary to examine the program at different levels—nationally, or at a regional, State or local level. Availability of information derived from individual participant records will lessen the need for Employment and Training Administration (ETA) and other data users to undertake costly field surveys that also are disruptive to State and local operations. It will maximize program accountability by enabling the Department to respond to a variety of requests for detailed information on the characteristics of those enrolled in various activities and services and the outcomes they obtain. The proposed data system will also provide, for the first time, a suitable national data base for the Department to use in providing technical guidance to SDAs when estimating performance goals for local service providers.

C. Description of the Standardized Participant Information To Be Reported

This proposal requires each State to maintain selected standardized

information on all program participants in JTPA Title IIA (78% and 6% funded programs) and Title III (Federal discretionary, State and substate programs) and to report this information after participants have terminated, using a prescribed machine readable format and coding scheme. It shall be transmitted to a data base contractor that will assist the Department. For Program Year (PY) 1992 (July 1, 1992-June 30, 1993), client characteristics, program activity and outcome data, including available follow-up information on all participants terminating during the full program year, must be reported no later than 135 days after the end of the program year. (At a minimum, follow-up information will be reported for a sample of participants chosen according to instructions in the JTPA Annual Status Report (JASR) and Worker Adjustment Annual Program Report (WAPR).) The first data transmission (for PY 1992 data) will be due no later than November 15, 1993. In addition, for PY 1992, aggregate data reported in the JASR and WAPR will continue to be due no later than 45 days after completion of the program year. The timing and frequency of reporting will be reviewed by the Department after the first year of operation, when the capacities of the system are more clearly understood, and may be modified to better meet the needs of data users.

Sampling Versus Universal Reporting

The Department has given serious consideration to whether States should be required to report information on all records or to report on a sample of records. Acting on the advice of a technical work group, the Department is proposing universal reporting. Sampling was rejected because of the complexity of a sample design needed to produce appropriate estimates of client subgroups at both the State and local level, the burden on States to ensure proper samples are drawn each year, and the potential for seriously biased results if precise sampling procedures are not followed. In addition, advances in computer technology now makes data collection and universal reporting more timely and less expensive than if complex sampling procedures had to be followed and monitored. Finally, in the absence of universal reporting, other administrative reports could not be replaced.

The specific items to be reported are listed and defined in the appendices to this notice. Most items are already required for Federal reporting and definitions for these have not been changed. Definitions have been developed for program activities, supportive services and "other" terminations. Two areas of newly required information which may create additional burden or refinements in current Management Information System (MIS) practice involve (1) the coding of a participant's occupational training and employment at termination, and (2) selecting the most appropriate approach to determine training intensity.

Participants Included in Reporting System

Ideally the Department would like to have records reported for all programs funded by JTPA Title II and Title III. For Title IIB programs it was decided, however, that the advantages of expanding the current aggregate reporting would not justify the increased burden. On the other hand, there is currently no federal reporting of participant characteristics in the three percent and eight percent set-aside programs. While the Department is not proposing collecting participant-level data on the set-aside, it will consider creating an aggregate reporting system similar to the Title IIB system for these programs.

Coding Occupational Skill Training and Employment at Termination

In order to obtain more information on the nature of the job training and placements in JTPA, the proposed reporting will require coding of both occupational skills training and employment at termination using a single occupational classification system. Because there are several systems which local JTPA programs are currently using, ETA has asked the National Occupational Information Coordinating Committee (NOICC) to review current occupational coding systems and to recommend an appropriate approach for JTPA use. In the interim, the Department is also soliciting public comment on what program operators are using currently to classify jobs and, where appropriate, job-related training. Criteria the Department is considering in selecting the most appropriate classification system include whether it: (1) Is nationally recognized and standardized; (2) can be kept current and updated to reflect changes in training and employment; (3) employs a level of detail and aggregation suitable to accurately depict client service objectives and outcomes; and (4) relates to other sources of labor market information used for planning and evaluation activities.

Training Activities

Recording some measure of training intensity has been the subject of lengthy debate within the JTPA community. Following the suggestion of its technical work group, the Department is proposing that hours in training be used as the unit of measure for each activity. Hours are a more valid indicator of training intensity than length of stay in an activity expressed in days or weeks. Units of training time that are longer than hours may include periods of training inactivity which will make the results difficult to interpret.

In addition, the work group suggested that it would be easier for local programs to report planned hours and whether training is completed rather than requiring them to account for a participant's actual hours spent in each activity. Planned hours would be derived from the individual's service strategy, training specifications in service provider contract, or an estimated average based on the program's previous experience. The activity would be considered completed if the individual achieves the employment development plan objectives or remains in the activity for the specified duration. Recording actual time spent in training requires local programs to track and report multiple transactions in each activity. The Department is interested in comments from the field on the preferability of reporting every training transaction and the amount of time spent in that transaction as compared to the proposed approach which aggregates planned hours spent in each activity.

Training Costs

Federal reporting reveals how much is spent in total by an SDA/SSA, but does not provide information on how much is spent on different types of training. Relating training costs to individuals is particularly problematic because of differences in service delivery from place to place and variations in the average cost of training for certain types of training. Variations in unit costs occur depending on such programmatic issues as whether the SDA shares the costs of training with other JTPA and non-JTPA providers or combines multiple training activities into a single program. In addition, there are accounting issues to consider, such as how the program typically allocates direct vs. indirect costs of training. Non-comparability of data raises serious problems in interpreting training cost results; and for this reason, the Department will not include cost

reporting in the proposed participant record. The Department will continue to examine ways of obtaining more comparable and meaningful data on training costs for future use in assessing the relative costs of providing more intensive services to client subgroups.

D. Technical Assistance Contractor

During PY 1992 a database management contractor will be retained by ETA to establish a system for data transmission, design State specific transmission procedures, and provide needed support and technical assistance for their implementation. To minimize disruption and burden, the contractor will adapt its procedures to take advantage of existing automated systems in each State and will continue to address technical problems that arise after data transmission is implemented.

States will provide the contractor with information about the capabilities of their systems and will supply sample transmissions during the development process. States will cooperate with the contractor in identifying problems in the reporting and will take responsibility for implementing corrective measures both during development and ongoing system operation.

E. Public Comment and Participation

The Department is committed to a participatory process in the development of this reporting requirement. A prototype participant record was circulated by ETA's ten regional offices for field comment in October 1991.

The Department has consulted with representatives from all levels of the JTPA system in the development of this reporting system and its implementation at the State and local level. Many recommendations from these discussions have been incorporated into this **Federal Register** Notice.

This request for comment is another important part of the process. The Secretary especially requests comments on the following issues:

- Cost and burden associated with the implementation of the proposed reporting system.
- Specific problems that will be encountered by States/localities in collecting, maintaining and reporting the required information.
- Suggestions on how DOL might assist States/localities in data quality control and data system management to ensure that the reporting process is timely and efficient and can be used to reflect program operations and outcomes in a valid manner
- Technical problems associated with State/local collection of new data items not now federally required or mandated by States. Examples of data elements that may not be currently collected are:

—Total planned hours for training activities and

—Classification of occupational training and employment at termination.

- Accuracy and utility of new definitions.
- Timing of reporting after PY 1992. Alternatives include reporting all data only in November and reporting available data in August with follow-up data updating in November.
- Advantages and disadvantages of the proposed method of tracking training intensity using aggregated planned hours in training as compared to reporting each individual training transaction.
- Identification of occupational coding systems that are being used by States/localities to classify the placement occupation and/or skill level of training. (Indicate whether this coding system meets your needs.)
- Desirability of establishing an independent reporting system that collects aggregate characteristic data on participants in the three percent and eight percent set-aside programs.

E. Cost to the System

Most of the information required in this proposed system is already collected at the local level and reported to the States. States will incur administrative costs to extract required information from existing databases and transmit individual participant records. In the future, when other administrative reporting is eliminated, States may actually have a reduced reporting burden. This proposed reporting system will replace the federally-funded national survey of JTPA participants, the JTQS. Once the system is fully implemented in PY 1993, the Department will develop the capacity to generate data for the aggregate JASR and the WAPR.

Obtaining information from participants on those new data items that they are not now collecting will likely result in local programs incurring increased data collection and reporting costs. In instances where it is necessary to introduce occupational coding into training and placement operations, additional costs also will be incurred. In addition, there will be a one-time cost in revising local and State management information systems to accommodate the new data system.

An increased programmatic reporting burden of 6,031 hours has been submitted to Office of Management and Budget, along with an additional 12,062 hours of recordkeeping burden. This total of 18,063 additional hours represents an average of 13.4 hours per each SDA/SSA annually.

F. OMB Submission

The documents appended to this notice have been submitted to the Office of Management and Budget for review under the Paperwork Reduction Act as a revision to a currently approved collection system.

Signed at Washington, DC, this 9th day of March, 1992.

Roberts T. Jones,

Assistant Secretary of Labor

Standardized Participant Information Record Format

Section I. Identification

1. State name
2. SDA/SSA name
3. Participant identification number
4. Title of funding:
   - 01 Title IIA SDA (78 and 6 percent)
   - 02 Title III Governor's reserve
   - 03 Title III substate Grantee
   - 04 Title III national reserve
5. Date of participation
6. Concurrent participation:
   - 01 Yes, JTPA
   - 02 Yes, non-JTPA
   - 03 No

Section II. Background and Characteristics (at application)

7. Age
8. Gender:
   - 01 Male
   - 02 Female
9. Race/ethnicity:
   - 01 White (Not Hispanic)
   - 02 Black (Not Hispanic)
   - 03 Hispanic
   - 04 American Indian or Alaskan Native (Not Hispanic)
   - 05 Asian or Pacific Islander (Not Hispanic)
10. Family Status:
    - 01 Single parent
    - 02 Parent in two parent family
    - 03 Other family member
    - 04 Nondependent individual
11. Number of participant's children, under age 18, living in household
12. Economically disadvantaged (Title IIA only):
    - 01 Yes
    - 02 No
13. Public assistance recipient: 01 Yes 02 No
    - 13a. Receiving AFDC: 01 Yes 02 No
    - 13b. Receiving general assistance: 01 Yes 02 No
    - 13c. Receiving refugee cash assistance: 01 Yes 02 No

13d. Receiving SSI: 01 Yes 02 No
13e. Receiving food stamps: 01 Yes 02 No
14. Educational status:
01 School dropout
02 Student (high school or less)
03 High school graduate (no post)
04 Post High school attendee
05 College graduate and above
15. Veteran: 01 Yes 02 No
15a. Vietnam era veteran: 01 Yes 02 No
15b. Disabled veteran: 01 Yes 02 No
16. Labor force status:
01 Employed
02 Unemployed
03 Not in labor force
17. Unemployed: 15 or more weeks of prior 26 weeks:
01 Yes
02 No
18. Unemployment compensation status:
01 Claimant
02 Exhaustee
03 No
19. Preprogram wage:
For Title IIA, indicate current or last hourly wage if worked in last 26 weeks.
For Title III, indicate the hourly wage of the job of dislocation.
20. Barriers to employment (indicate all that apply):
20a. Limited English language proficiency: 01 Yes 02 No
20b. Individual with disability: 01 Yes 02 No
20c. Offender: 01 Yes 02 No
20d. Reading skills below the 7th grade level: 01 Yes 02 No
20e. Displaced homemaker: 01 Yes 02 No
20f. Homeless: 01 Yes 02 No
20g. Lacks significant work history 01 Yes 02 No
20h. Long-term AFDC recipient: 01 Yes 02 No
20i. JOBS program participant: 01 Yes 02 No
20j. Pregnant or parenting teen: 01 Yes 02 No

Section III. Activity/Services Record

21. Indicate each training activity/service received by recording the total planned hours for that activity/service, and
22. If received, whether the activity/service was completed.

	Total planned hours	Completed
21a. Basic skills training	_____	22a. 01 Yes 02 No
21b. Occupational skills training (non-OJT)	_____	22b. 01 Yes 02 No
21c. On-the-job training	_____	22c. 01 Yes 02 No
21d. Work experience	_____	22d. 01 Yes 02 No
21e. Job search assistance	_____	22e. 01 Yes 02 No
21f. Other employment skills training	_____	22f. 01 Yes 02 No
21g. Basic readjustment services	_____	22g. 01 Yes 02 No

23. If occupational skills training, record the _____ digit DOT code, OES code or SOC (to be determined later)
24. Indicate each type of support service received:
24a. Transportation: 01 Yes 02 No
24b. Health care: 01 Yes 02 No
24c. Child care: 01 Yes 02 No
24d. Housing or rental assistance: 01 Yes 02 No
24e. Counseling: personal, financial or legal: 01 Yes 02 No
24f. Needs-based/related payments: 01 Yes 02 No
24g. Other: 01 Yes 02 No

Section IV. Outcomes

25. Date of termination
26. Entered unsubsidized employment:
01 Yes
02 No
27. Placement information
27a. Hours worked per week
27b. Wage at placement
27c. DOT, OES, or SOC code that best describes placement
27d. Relocated out of area (Title III only): 01 Yes; 02 No
27e. Called back/remained with layoff employer (Title III only): 01 Yes; 02 No
28. Adult/Youth employability enhancement: 01 Yes 02 No
If yes, indicate all that apply:
28a. Attained adult/youth competencies: 01 Yes 02 No
28b. Attained Pre-employment/work maturity skills (youth only): 01 Yes 02 No
28c. Attained Basic education skills: 01 Yes 02 No
28d. Attained Job/specific/occupational skills: 01 Yes 02 No
28e. Returned to full-time school (youth only): 01 Yes 02 No
28f. Remained in school (youth only): 01 Yes 02 No
28g. Completed major level of education: 01 Yes 02 No
28h. Entered non-Title II training: 01 Yes 02 No
29. If both 26. and 28. are no, indicate which other termination best applies:
01 Institutionalized
02 Health/Medical
03 Family care
04 Transportation
05 Laid-off (OJT)
06 Cannot Locate
07 All other voluntary
08 All other involuntary

Follow-up information

30. Contacted
01 Yes
02 No
03 Not in sample
31. Employed at follow-up: 01 Yes 02 No
If yes:
31a. Record hourly wage
31b. Record hours worked per week
31c. Record if employed with same employer as at termination: 01 Yes; 02 No
32. Number of weeks worked in follow-up period

Standardized Participant Information Reporting Format Instructions and Definitions

General Instructions

The Governor will collect and maintain a core set of socio-economic, program participation and outcome information on each participant in programs funded under Titles IIA (78 and 6 percent only) and III of the Job Training Partnership Act (JTPA) and annually transmit this information for participants who have terminated from the programs.

The following instructions describe the format that will be used to transmit the terminee information each year. Initially transmission will be on magnetic tape or equivalent. Facilities, however, for direct electronic transmission will be developed as soon as feasible.

Characteristic, activity, outcome and follow-up data for all participants

terminating during a program year must be reported no later than 135 days after the end of each program year.

Description of Format for Reporting Standardized Participant Information

A. Section I. Identification

1. *State name.* Record the name of the State reporting this record.

2. *SDA/SSA name.* Record the name and the ETA assigned SDA/SSA number of the area in which the participant entered the JTPA program.

3. *Participant identification number.* Record a coded participant identification number that will be based on the participant's social security number.

4. *Title of funding.* Record the appropriate code.

5. *Date of participation.* Record the date on which the individual *began* to receive program services after intake. Intake includes the screening of an applicant for eligibility and: (1) A determination of whether the program can benefit the individual; (2) an identification of the employment and training activities and services that would be appropriate for the individual; (3) a determination of the availability of an appropriate employment and training activity; (4) a decision on selection for participation and (5) the dissemination of information on the program.

6. *Concurrent participation.* Indicate yes, if the individual's initially determined training objective will require concurrent participation in more than one program/title, including non-JTPA programs, not multiple activities in a single program or title.

B. Section II. Background and Characteristics (at Application)

7. *Age.* Record the age of the individual at application.

8. *Gender.* Record the code for male or female.

9. *Race/ethnicity.* Record one designation of the participant's race/ethnic group from among the following categories.

01 *White (not Hispanic).* A person having origins in any of the original peoples of Europe, North Africa, or the Middle East.

02 *Black (not Hispanic).* A person having origins in any of the black racial groups of Africa.

03 *Hispanic.* A person of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin (including Spain), regardless of race.

Note: Among persons from Central and South American countries, only those who are of Spanish origin, descent, or culture should be included in the Hispanic category. Persons from Brazil, Guiana, and Trinidad, for example, would be classified according to their race, and would not necessarily be included in the Hispanic category. Also the Portuguese should be excluded in the Hispanic category and should be classified according to their race.

04 *American Indian or Alaskan Native* (not Hispanic). A person having origins in any of the original peoples of North America, and who maintains cultural identification through tribal affiliation or community recognition.

05 *Asian or Pacific Islander (not Hispanic).* A person having origins in any of the original people of the Far East, Southeast Asia, the Indian Subcontinent (e.g., India, Pakistan, Bangladesh, Sri Lanka, Nepal, Sikkim, and Bhutan), or the Pacific Islands. This area includes, for example, China, Japan, Korea, the Philippine Islands, and Samoa. Hawaiian natives are to be recorded as Asian or Pacific Islanders.

10. *Family status.* Record *one* designation describing the participant's family status from among the following categories:

01 *Single parent.* The participant is a single, abandoned, separated, divorced or widowed individual who has responsibility for support of one or more dependent children.

02 *Parent in two-parent family.* A parent in a family of three or more where both parents are present.

03 *Other family member.* A member of a family of two or more persons, but not a parent. This would include married persons with no dependents living in the household.

04 *Nondependent individual.* The individual is either (1) living with his/her family, 18 or older, receiving less than 50 percent maintenance from the family and not one or the parents or the family; or (2) 14 or older and not living with his/her family and is receiving less than 50 percent maintenance (e.g., shelter, food, clothing, etc.) from the family; or (3) a foster child on behalf of whom State or local government payments are made. All such individuals should be considered as families of one.

11. *Number of participant's children, under age 18, living at home.* Record the number of the participant's children who live in the same household as the applicant.

12. *Economically disadvantaged.* For Title IIA only, indicate yes if the participant:

(1) receives, or is a member of a family which receives, cash welfare payments under a federal, State or local welfare program;

(2) has, or is a member of a family which has, received an annual family income, in relation to family size and location, that did not exceed either:

(a) The most recently established poverty levels determined in accordance with criteria established by the Office of Management and Budget (OMB) or,

(b) 70 percent of the lower living standard income level, whichever is greater.

(3) is receiving Food Stamps pursuant to the Food Stamp Act of 1977;

(4) is a foster child on behalf of whom state or local government payments are made;

(5) is an adult disabled individual whose own income meets the requirements of (1) or (2) above, but who is a member of a family whose income does not meet such requirements.

13. *Public assistance recipient.* Record whether the individual is receiving public assistance such as AFDC, Refugee Assistance, General Assistance, Food Stamps, or foster child payments.

Indicate whether the participant or the participant's family is receiving benefits from any of the following programs:

13a. Aid to Families with Dependent Children (AFDC)

13b. General assistance

13c. Refugee cash assistance

13d. Supplemental Security Income (SSA Title XVI)

13e. Food stamps (Food Stamp Act of 1977)

14. *Educational status.* Indicate which one of the following categories best describes the individual's educational status.

01 *School dropout.* An adult or youth (aged 14–21) who is not attending school full-time and has not received a high school diploma or a GED certificate.

02 *Student.* An adult or youth (aged 14–21) who has not received a high school diploma or GED certificate and is enrolled in and attending full-time a secondary or postsecondary-level vocational, technical, or academic school or is between school terms and intends to return to school.

03 *High school graduate or equivalent, (no post-high school).* An adult or youth (aged 14–21) who has received a high school diploma or GED certificate, but who has not attended any post-secondary vocational, technical, or academic school.

04 *Post-high school attendee.* An adult or youth (aged 14–21) who has received a high school diploma or GED certificate and has attended (or is attending) any postsecondary-level vocational, technical, or academic school, but who has not graduated from college.

05 *College graduate and above.* An adult or youth (aged 14–21) who has

received a degree (usually a BA or BS) conferred by a four-year college, university or professional school or an advanced degree from one of these institutions.

15. *Veteran status.* Record whether the participant is a person who served on active duty in the military service (of the U.S.) for a period of more than 180 days and who was discharged or released with other than a dishonorable discharge or was discharged or released from active duty because of a service-connected disability or as a member of a reserve component under an order to active duty pursuant to Section 672 (a), (d), or (g), 673, or 673b of title 10, which served on active duty during a period of war or in a campaign or expedition for which a campaign badge is authorized and was discharged from such duty with other than a dishonorable discharge. (38 U.S.C. 2011(4))

15a. *Vietnam era veteran.* Record whether the participant is a veteran, any part of whose active military, naval or air service occurred between August 5, 1964 and May 7, 1975.

15b. *Disabled veteran.* Record whether the participant is a veteran who is entitled to compensation under laws administered by the Veterans' Administration, or who was discharged or released from active duty because of a service-connected disability.

16. *Labor force status.* Record, at the time of application, which of the following classifications best describes the individual's labor force status.

01 *Employed.* An employed individual is one who, during the 7 consecutive days prior to application, did any work at all as a paid employee, in his or her own business, profession or farm, worked 15 hours or more as an unpaid worker in an enterprise operated by a member of the family, or is one who was not working, but has a job or business from which he or she was temporarily absent because of illness, bad weather, vacation, labor-management dispute, or personal reasons, whether or not paid by the employer for time-off, and whether or not seeking another job.

02 *Unemployed.* An unemployed individual is one who did not work during the 7 consecutive days prior to application, who made specific efforts to find a job within the past 4 weeks prior to application, and who was available for work during the 7 consecutive days prior to application. Also included as unemployed are those who did not work, and (a) were waiting to be called back to a job from which they had been laid off, or (b) were waiting to report to a new wage or salary job scheduled to start within 30 days.

03 *Not in labor force.* An individual not in the labor force is a civilian 14 years of age or over who did not work during the 7 consecutive days prior to application for a JTPA program and is not classified as employed or unemployed.

17. *Unemployed: 15 or more weeks of the prior 26 weeks.* Record whether an individual was unemployed at the time of eligibility determination and has been unemployed for any 15 or more of the 26 weeks immediately prior to such determination, has made specific efforts to find a job throughout the period of unemployment, and is not classified as "Not in Labor Force".

18. *Unemployment compensation status.* Record the applicant's U.C. Status in one of the following categories.

01 *Eligible claimant.* Record whether the individual has filed a claim and has been determined monetarily eligible for benefit payments under one or more State or Federal unemployment compensation programs, and who has not exhausted benefit rights or whose benefit year has not ended.

02 *U.C. exhaustee.* Record whether the applicant has exhausted his/her U.C. benefit rights for which the applicant has been determined monetarily eligible.

03 *None.*

19. *Preprogram wage.* For Title IIA participants, record the last or most recent hourly wage paid to the participant for the last or most recent job the person held during the 26 weeks prior to application.

For Title III participants, record the hourly wage paid to the participant in the job from which the person was dislocated.

20. *Barriers to employment.* The applicant should be recorded in as many of the following groups as appropriate.

20a. *Limited English language proficiency.* The inability of an individual, whose native language is not English, to communicate in English, resulting in a job handicap.

20b. *Individual with a disability.* An individual who has a physical or mental impairment which substantially limits one or more of such person's major life activities; has a record of such an impairment; or is regarded as having such an impairment. This definition includes disabled veterans for reporting purposes. NOTE: This definition will be used for performance standards purposes, but is not required to be used for program eligibility determination (Sec. 4(8)(E)).

20c. *Offender.* Any adult or youth who requires assistance in overcoming barriers to employment resulting from a record of arrest or conviction (excluding misdemeanors).

20d. *Reading skills below the 7th grade level.* Any adult or youth assessed as having English (except in Puerto Rico) reading skills below the 7th grade level on a generally accepted standardized test.

20e. *Displaced homemaker.* An individual experiencing difficulty in obtaining or upgrading employment and who meets the following definition:

An individual who (A) was a full-time homemaker for a substantial number of years; and (B) derived the substantial share of his/her support from (i) a spouse and no longer receives such support due to death, divorce, permanent disability of, or permanent separation for the spouse, or (ii) public assistance on account of dependents in the home and no longer receives such support.

20f. *Homeless.* An adult or youth who lacks a fixed, regular, adequate nighttime residence; and any adult or youth who has a primary nighttime residence that is a public or private operated shelter for temporary accommodation; an institution providing temporary residence for individuals intended to be institutionalized; or a public or private place not designated for or ordinarily used as a regular sleeping accommodation for human beings. The term does not include a person imprisoned or detained pursuant to an Act of Congress or State law.

20g. *Lacks significant work history.* An adult or youth who has not worked for the same employer for longer than three consecutive months in the two years prior to application.

20h. *Long-term AFDC recipient.* An adult or youth listed on the welfare grant who has received cash payments under AFDC (SSA Title IV) for any 24 or more of the 30 months prior to JTPA eligibility determination and who was a welfare recipient at the time of such determination.

20i. *JOBS program participant.* Any individual (AFDC client) who is a participant (or has been a participant within the prior six months) in assessment or employability planning or is assigned to one of the JOBS program components defined in the approved State JOBS program plan, including self-initiating activities, at the time of eligibility determination for JTPA title IIA.

20j. *Pregnant or parenting teen.* An individual who is under 20 years of age and who is pregnant, or a male or female who is providing full-time care of a child.

C. Section III. Activity and Services Record

Indicate each of the following training activities or services received, record the total planned hours for that activity/service and whether or not it was completed. Include activities partially or completely funded by non-JTPA sources but included in the participant's JTPA service strategy.

21. *Total planned hours* is the total number of hours that the participant would normally be expected to be engaged in an activity in order to successfully complete it. When possible use hours indicated in the participant's service strategy or in a vendor contract. If these are not available, use an estimate.

22. The activity is completed if the individual achieves the activity's goal or if the individual participates in the activity's total planned duration.

a. *Basic skills training:* Instruction normally conducted in an institutional setting and designed to upgrade basic skills and prepare the individual for further training, future employment, or advancement in present employment. Includes remedial reading, writing, mathematics, English for non-English speakers, GED preparation (including computer assisted instruction) and basic skills competency training.

b. *Occupational skills training (non-OJT):* Instruction normally conducted in an institutional setting designed to provide individuals with the technical skills and information required to perform a specific job or group of jobs such as auto mechanics, health services, or clerical training. Includes job specific competency training, job specific school-to-work programs and preapprenticeship training.

c. *On-the-Job Training (OJT):* Training in the public or private sector given to an individual, who has been hired first by the employer, while s/he is engaged in productive work which provides knowledge or skills essential to the full and adequate performance of the job.

d. *Work experience:* A short-term or part-time work activity which provides an individual with the opportunity to acquire the skills and knowledge necessary to perform a job, including appropriate work habits and behaviors.

e. *Job search assistance:* A service or training activity that helps a participant seek, locate, apply for and obtain a job. It may include classes/clinics/workshops in job-finding skills, orientation to the labor market, job development, referrals to job openings, job clubs, and relocation assistance.

f. *Other employment skills training:* Includes activities such as pre-employment/work maturity training, vocational exploration, career counseling, tryout employment and non-job-specific school-to-work programs.

g. *Basic readjustment services:* (Title III only) Includes services designed to provide basic readjustment assistance to eligible dislocated workers such as orientation, skills determination, pre-layoff assistance, job development/referral assistance, and relocation assistance.

23. *Occupational training.* If "Yes" is recorded for Items 23b. or 23c. (participant is receiving occupational skill training or OJT), record the [DOT code, OES code or SOC—to be determined later] that best describes the training.

24. Indicate each supportive service received. The term *supportive services* means services which are necessary to enable an individual eligible for training under JTPA, but who cannot afford to pay for such services, to participate in a training program funded under the Act.

24a. *Transportation.* A supportive service which is arranged or financed for participants to ensure mobility between home and the location of employment, training and/or other supportive services.

24b. *Health care.* Includes, but is not limited to, preventive and clinical medical treatment, voluntary family planning services, and appropriate psychiatric, psychological and prosthetic services, to the extent any such treatments or services are necessary to enable a participant to obtain or retain employment.

24c. *Child care.* A service or support which helps parent(s) meet their child care needs. Child care ranges from day care outside the home or in-house to after-school programs (outside the home or in-house). It usually includes supervision and shelter, and may include subsistence and transportation.

24d. *Housing or rental assistance.* A supportive service which assists participants in maintaining or obtaining adequate shelter for themselves and their families while they are receiving employment, training or other supportive services.

24e. *Counseling: personal, financial, or legal.* The process of assisting participants in realistically assessing their needs, abilities, and potential; of providing guidance in the development of vocational goals and the means to achieve them; and of helping with the solution of a variety of personal problems occurring during participation.

24f. *Needs-based/related payments.* In Title IIA, amounts paid to participants who could not afford to participate in a training program without such needs-based assistance. Payments based on need may be provided to a participant in accordance with a locally developed formula or procedure if such payments are necessary to enable the individual to participate in a training program funded under JTPA.

In Title III, needs-related payments to an eligible dislocated worker who does not qualify or has ceased to qualify for unemployment compensation, in order to enable such worker to participate in training or education programs funded under Title III. To be eligible for such payments, an eligible dislocated worker who has ceased to qualify for unemployment compensation must have been enrolled in training by the end of the 13th week of the worker's initial unemployment compensation benefit period, or, if later, by the end of the eighth week after an employee is informed that a short-term layoff will, in fact, exceed six months.

24g. *Other.* Any supportive service(s), not included above, arranged or financed by the JTPA program and provided to eligible individuals to enable them to participate in planned activities.

D. Section IV. Program Outcomes

25. *Date of termination.* Record the date at which an individual is no longer receiving employment, training or services (except post-termination services) funded under that title.

Note: Individuals may continue to be considered as participants for a single period of 90 days after last receipt of employment or training funded under a given title. (If "services only" in Title IIA, the period is 30 days.)

26. *Entered unsubsidized employment:* Indicate whether or not the terminee entered full- or part-time employment not financed by funds provided under the Act and includes entry into the Armed Forces, entry into employment in a registered apprenticeship program, and terminees who become self-employed.

27. *Employment information:* For Items a. through e., record information only for those individuals who entered unsubsidized employment at termination (Yes in item 26.)

27a. Record the usual number of hours worked per week.

27b. Record the hourly wage at placement.

27c. Determine the [DOT code, OES code or SOC—to be determined later] most appropriate for the job.

27d. For Title III participants, indicate whether the participant relocated out of the area.

27e. For Title III participants, indicate whether participant was called back or remained with the layoff employer.

28. *Adult/youth employability enhancement:* Indicate whether the terminee obtained outcome(s) other than entered unsubsidized employment, which are recognized as enhancing long-term employability and contributing to the potential for a long-term increase in earnings and employment.

Indicate all that apply:

28a. *Attained adult employability skills/PIC recognized youth employability competencies: Adults:* Adults who, at time of termination, have demonstrated proficiency as defined by the local area in one or more of the following two skill areas in which the terminee was deficient at enrollment: Basic education skills (indicate in Item 28c.) and occupational skills (indicate in Item 28d). Employability skill gain must be achieved through active program participation and must be the result of a prior employability development planning process which identifies the participant's skill deficiencies, the training needed to overcome the deficiencies and the level of proficiency needed for attainment of the employability skill.

Youth: Youth who, at time or termination, have demonstrated proficiency as defined by the PIC in two or more of the following three skill areas in which the terminee was deficient at enrollment: Pre-employment/work maturity (indicate in Item 28b.); basic education (indicate in Item 28c.); or job-specific skills (indicate in Item 28d). Competency gains must be achieved through sufficiently developed systems that must include: quantifiable learning objectives, related curricula/training modules, pre- and post-assessment, employability planning, documentation, and certification.

Indicate in Items 28b. through 28d. each competency attained regardless of whether Item 28a. is Yes or No.

28b. *Attained pre-employment/work maturity skills (youth only): Pre-employment skills:* World-of-work awareness, labor market knowledge, occupational information, values clarification and personal understanding, career planning and decision-making, and job search techniques (resumes, interviews, applications, and follow-up letters). They also encompass survival/daily living skills such as using the phone, telling time, shopping, renting an apartment, opening a bank account, and using public transportation; *and*

Work maturity skills: Positive work habits, attitudes, and behavior such as punctuality, regular attendance, presenting a neat appearance, getting along and working well with others, exhibiting good conduct, following instructions and completing tasks, accepting constructive criticism from supervisors and co-workers, showing initiative and reliability, and assuming the responsibilities involved in maintaining a job. This category also entails developing motivation and adaptability, obtaining effective coping and problem-solving skills, and acquiring an improved self image.

28c. *Attained basic education skills (adult and youth):* Reading comprehension, math computation, writing, speaking, listening, problem-solving, reasoning, and the capacity to use these skills in the workplace.

28d. *Attained job-specific occupational skills (adult and youth):* Primary job-specific skills which encompass the proficiency to perform actual tasks and technical functions required by certain occupational fields at entry, intermediate or advanced levels. Secondary job-specific skills entail familiarity with and use of set-up procedures, safety measures, work-related terminology, recordkeeping and paperwork formats, tools, equipment and materials, and breakdown and clean-up routines.

28e. *Returned to full-time school (youth only):* A youth who, prior to termination, (1) had returned to full-time secondary school (e.g., junior high school, middle school and high school, including alternative school), and (2) had been retained in school for one semester or at least 120 calendar days. The youth was not attending school, exclusive of summer, at the time of intake and had not obtained a high school diploma or equivalent.

28f. *Remained in school (youth only):* A youth who, prior to termination, had been retained in a full-time secondary school, including alternative school, for one semester or at least 120 calendar days. The youth must be attending school at the time of intake, had not obtained a high school diploma or equivalent, and be considered "at risk of dropping out of school" as defined by the Governor in consultation with the State Education Agency.

28g. *Complete major level of education:* An adult or youth who, prior to termination, had completed, during enrollment, a level of educational achievement which had not been reached at entry. Levels of educational achievement are secondary and postsecondary. Completion standards shall be governed by State standards and shall include a high school diploma, CED Certificate or equivalent at the secondary level, and shall require a diploma or other written certification of completion at the postsecondary level.

Note: Completion of a major level of education must result primarily from active JTPA program participation of at least 90 calendar days or 200 hours, usually prior to such completion.

28h. *Entered non-Title II training:* An adult or youth who, prior to termination, had entered an occupational-skills employment/training program, not funded under Title II of the JTPA, which builds upon and does not duplicate training received under Title II.

Note: The participant must have been retained in that program for at least 90 calendar days or 200 hours or must have received a certification of occupational skill attainment. During the period the participant is in non-Title II training, s/he may or may not have received JTPA Title IIA services. Include here intertitle transfer terminees, such as to Title I, Section 123, 8% programs.

29. *Other terminations:* If both Items 26. and 28. above are answered no, indicate which one of the following other terminations best applies.

01 *Institutionalized.* The participant is residing in an institution or facility providing 24-hour support such as a prison or hospital.

02 *Health/medical.* The participant is receiving medical treatment which precludes entry into unsubsidized employment or continued participation in the JTPA program.

03 *Family care.* The participant is responsible for the care of one or more family members which precludes entry into unsubsidized employment or continued participation in the JTPA program.

04 *Transportation.* The participant is without his/her own means of mobility, is unable to arrange for private transportation, or has no public transportation between home and the location of employment/training and/or other supportive services.

05 *Laid-off (OJT).* The participant is terminated from employment under an OJT contract as a result of a temporary or permanent closure or any substantial layoff at a plant, facility or enterprise.

06 *Cannot locate.* The participant cannot be located after utilizing the address/phone number provided by the participant and additional alternative contact measures, addresses and phone numbers provided by the participant.

07 *All other voluntary.* The participant voluntarily left the JTPA program for reasons other than those above.

08 *All other involuntary.* The participant was separated from the program for administrative reasons other than those above.

Follow-up information. Record follow-up information for the sample of terminees contacted 13 weeks after termination. The sample will be chosen and used according to instructions in the JASR and the WAPR.

30. Indicate whether the terminee was in the sample, and, if so, whether s/he was contacted or not.

31. Indicate whether the former participant was employed at follow-up (13th week after termination).

If employed:

31a. Record the hourly wage.

31b. Record the hours worked that week.

31c. Record whether the s/he is employed by the same employer as at termination.

32. Record the total number of weeks worked during the follow-up period.

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federal register

Thursday
March 12, 1992

Part V

Department of Transportation

Federal Aviation Administration

14 CFR Part 91

Temporary Restriction of Instrument Approaches and Certain Visual Flight Rules Operations in High Pressure Weather Conditions; Proposed Rule

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 91

[Docket No. 26806; Notice No. 92-4]

RIN 2120-AD75

Temporary Restriction of Instrument Approaches and Certain Visual Flight Rules Operations in High Pressure Weather Conditions

AGENCY: Federal Aviation Administration (FAA), DOT

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to amend part 91 of the Federal Aviation Regulations (FAR) to authorize the issuance of temporary flight restrictions to certain operations when accurate altitude information is not available. The proposal is warranted because barometric pressure higher than 31.00 inches of mercury (inHg) exceeds the capability of standard aircraft pressure altimeters and prevents the display of accurate altitude information. This proposal provides restrictions on certain flight operations during periods of abnormal atmospheric pressure conditions. This action is necessary to promote flight safety during certain operations for which accurate altitude information is critical.

DATES: Comments must be received on or before May 11, 1992.

ADDRESSES: Comments on this notice should be mailed, in triplicate, to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket (AGC-10), Docket No. 26806, 800 Independence Avenue, SW., Washington, DC 20591. Comments delivered must be marked Docket No. 26806. Comments may be examined in room 915G weekdays, except on Federal holidays, between 8:30 a.m. and 5 p.m.

FOR FURTHER INFORMATION CONTACT: Larry Youngblut, Regulations Branch (AFS-240), Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue, SE., Washington, DC 20591, Telephone: (202) 267-8096.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Comments relating to the environmental, energy, federalism, or economic impact that might result from adopting the proposals in this notice are also invited. Substantive comments should be accompanied by cost estimates. Comments should identify the regulatory docket or notice number and should be submitted in triplicate to the Rules Docket address specified above. All comments received on or before the closing date for comments specified will be considered by the Administrator before taking action on this proposed rulemaking. The proposals contained in this notice may be changed in light of comments received. All comments received will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each substantive public contact with Federal Aviation Administration (FAA) personnel concerned with this rulemaking will be filed in the docket. Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must include a preaddressed, stamped postcard on which the following statement is made: "Comments to Docket No. 26806." The postcard will be date stamped and mailed to the commenter

Availability of NPRM's

Any person may obtain a copy of this NPRM by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Inquiry Center, APA-430, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 267-3484. Communications must identify the notice number of this NPRM.

Persons interested in being placed on the mailing list for future NPRM's should request from the above office a copy of Advisory Circular No. 11-2A, Notice of Proposed Rulemaking Distribution System, which describes the application procedure.

Background

For several days in January 1989, weather observers in various locations in the State of Alaska recorded record-breaking barometric pressure higher than 31.00 inHg (1049.8 millibars). These extremely high barometric pressures exceeded the capability of standard aircraft pressure altimeters and prevented the display of accurate altitude information on aircraft pressure altimeters. This condition occasionally extends to northern portions of the contiguous United States.

Aircraft altimeters indicate altitude based on a reading of the air pressure surrounding the aircraft. These altimeters incorporate an adjustment for environmental barometric pressure that permits pilots to manually set the correct pressure reading in the instrument. If the pressure set in the instrument is incorrect, the altitude readout also will be incorrect. Because barometric readings of 31.00 inHg, or higher, seldom occur, standard altimeters do not permit barometric pressures to be set above that level and are not calibrated to indicate accurate aircraft altitude above 31.00 inHg. As a result, many U.S.-manufactured altimeters cannot be set to display accurate altitude readouts to pilots in conditions such as those that were experienced during the high pressure conditions in Alaska.

It is possible to estimate the error in altitude for pressures above 31.00 inHg by adding 100 feet in aircraft altitude for each 10 inHg. However, significant recurring training would be required to ensure that all pilots correctly apply the appropriate correction during the appropriate phase of flight. If two pilots flying aircraft in the same vicinity are not applying the same correction, a highly dangerous situation is created.

Accurate altitude information is essential for normal flight operations and critical to certain phases of flight. Without an accurate altitude reading, a pilot cannot safely execute an instrument approach in instrument weather conditions unless certain restrictions are followed.

The Proposal

On the basis of the above discussion, the FAA finds that the occurrence of abnormally high barometric pressure conditions creates an operational situation that requires remedial action to maintain safety of flight in the affected areas. The FAA proposes to issue temporary restrictions on certain IFR approaches and VFR operations while extreme weather conditions exist.

The specific restrictions authorized by this proposed rule would be issued in a Notice to Airmen (NOTAM) by each affected FAA region when any information indicates the barometric pressure will exceed 31.00 inHg. Paragraph 7-531(a)(2) of the FAA Airman's Information Manual suggests the same procedures that the proposed rule would put into effect by NOTAM when the pressure is above 31.00 inHg.

These restrictions may include, but would not be limited to, the following:

1. All aircraft: Set altimeters to 31.00 inHg for en route operations below 18,000 feet mean sea level (MSL). Maintain this setting until the aircraft is beyond the affected area or until reaching the final approach segment. At the beginning of the final approach

segment, set the altimeter to the current barometric pressure, if possible. If not possible, leave the altimeter set at 31.00 inHg throughout the approach. Altimeters on departing aircraft or on aircraft on missed approach will be set to 31.00 inHg before the aircraft reaches any mandatory/crossing altitude, or 1,500 feet above ground level (AGL), whichever is lower.

2. During preflight, altimeters shall be checked, to the extent possible, for normal operation.

3. If the aircraft is being operated into or out of airports with the capability of measuring the current barometric pressure and the aircraft is equipped with an altimeter that has the capability to be set to the current barometric pressure, no additional restrictions apply.

4. For aircraft operating under VFR, there are no additional restrictions; however, extra diligence is essential in flight planning.

5. Airports without the capability for accurate measurement of barometric pressures have 31.00 inHg will report the barometric pressure as "in excess of 31.00 inHg." Flight operations to and from those airports are restricted to VFR weather conditions.

6. For aircraft operating under IFR and equipped with an altimeter that does not have the capacity to be set at the current barometric pressure:

a. To determine the suitability of departure alternate airports, destination airports, and destination alternate airports, increase ceiling requirements by 100 feet and visibility requirements by ¼ mile for each .10 inHg of pressure, or any portion thereof, over 31.00 inHg. These adjusted values are to be applied in accordance with the requirements of the applicable operating regulations and operations specifications.

b. On approach, 31.00 inHg will remain set on the altimeter. Decision height or minimum descent altitude shall be deemed to have been reached when the published minimum altitude is displayed on the altimeter.

c. These restrictions do not apply to authorized Category II and Category III ILS operations nor do they apply to certificate holders using approved QFE (absolute altitude) altimetry systems.

7. The Regional Flight Standards Division manager of the affected area is authorized to approve temporary waivers to permit emergency resupply or emergency medical services operations.

The NOTAM issuing the temporary restrictions would incorporate a reference to the proposed rule.

Regulatory Evaluation Summary

Introduction

This section summarizes the full regulatory evaluation prepared by the FAA that provides more detailed estimates of the economic consequences of this regulatory action. This summary and the full evaluation quantify, to the extent practicable, estimated costs to the private sector, consumers, Federal, State, and local governments, as well as anticipated benefits.

Executive Order 12291, dated February 17, 1981, directs Federal agencies to promulgate new regulations or to modify existing regulations only if potential benefits to society for each regulatory change outweigh potential costs. The order also requires the preparation of a Regulatory Impact Analysis of all "major" rules except those responding to emergency situations or other narrowly defined exigencies. A major rule is one that is likely to result in an annual effect on the economy of $100 million or more, a major increase in consumer costs, a significant adverse effect on competition, or is highly controversial.

The FAA has determined that the proposed rule is not major as defined in Executive Order 12291; therefore, a full regulatory analysis, that includes the identification and evaluation of cost reducing alternatives to this rule, has not been prepared. Instead, the agency has prepared a more concise document, a Regulatory Evaluation, that analyzes only the proposed rule without identifying alternatives. In addition to a summary of the regulatory evaluation, this section also contains a regulatory flexibility determination required by the 1990 Regulatory Flexibility Act (Pub. L. 96–354) and an international trade impact assessment. If more detailed economic information than is contained in this summary is desired, the reader is referred to the full regulatory evaluation contained in the docket.

Benefits

The benefits of the proposed rule come from enhancing safety. In particular, the proposed rule would reduce the risk of midair collisions during extremely high barometric pressure conditions. Because of limitations on most altimeters, periods of extremely high barometric pressure increase the risk of pilots not knowing their altitude. This additional risk increases the likelihood of a midair collision. If just one midair collision were avoided over the next decade due to the proposed rule, the annualized value of the resulting savings is estimated at $2.7 million.

Costs

The proposed rule involves additional costs as a result of delays in flying to airports experiencing extremely high barometric pressure. The cost of delay varies depending on its duration, airport activity, and aircraft type.

Based on historical weather observations, at airports above 64° north latitude, 15 hours of annual delay due to extreme high pressure is assumed; for airports located between 61° north latitude and 64° north latitude, 3 hours is assumed. The FAA has projected the estimated costs for these delays over a 10-year period, using the values of $35 per hour for each passenger and $1,268 per hour of ground delay for air carrier operations; no ground operating costs were assumed for other types of operations. Based on these assumptions, the annualized cost of delays related to the proposed rule is estimated at $330,000.

Benefit/Cost Comparison

The FAA estimates the annualized cost of the proposed rule at $330,000 over the next 10 years. This cost is based on historical weather data and represents the high end of possible costs that this rule would impose. One element mitigating this cost is that many of the delays counted in this analysis would nonetheless occur without this proposed rule through NOTAM's.

As a benefit, the proposed rule would reduce the risk of a midair collision during extremely high barometric pressure. The annualized value of avoiding one midair collision in the next 10 years is $2.7 million. The maximum expected cost of the proposed rule equals less than one-eighth of the costs that would be saved in avoiding one such accident. Hence, the FAA has determined that the expected benefits from the proposed rule exceed the expected costs.

International Trade Impact Analysis

This proposed rule would have no effect on foreign aviation products or services in the United States. No change would occur in demand or supply of avionics as a result of the proposed rule. Also, the proposed rule does not affect the sale of U.S. products or services in foreign countries.

Regulatory Flexibility Determinations

The Regulatory Flexibility Act (RFA) of 1980 requires Federal agencies to specifically review rules which may have a "significant economic impact on a substantial number of small entities." The FAA has adopted criteria and guidelines for rulemaking officials to

apply when determining if a proposed or existing rule has any significant economic impact on a substantial number of small entities.

The FAA defines "small entity" as a small operator who owns, but does not necessarily operate, nine airplanes. A substantial number of small entities is one-third of the small entities provided 11 or more small entities are substantially impacted. The FAA defines a significant economic impact as $4,200 per year for unscheduled operators, $59,400 per year for scheduled operators, and $106,100 per year for scheduled operators whose fleets are entirely composed of aircraft with 60 or more passenger seats.

This proposed rule is deemed to affect only operations in Alaska because extremely high barometric pressure occurs so infrequently in the lower 48 States as to be negligible. In certain cases, the cost of delays to small entities, commuter, or air taxi might exceed the threshold, but the number of small entities potentially affected is small. The proposed rule would not affect more than one-third of U.S. commuters or air taxis. Of the 77 scheduled part 135 operators in the United States with 9 or fewer aircraft, only 15 (19 percent) are located in Alaska and are likely to be affected by this proposed rule. For unscheduled part 135 operators (air taxis) with 9 or fewer aircraft, only 6 percent of the 2,634 such operators in the United States operate out of Alaska. In each instance, the proportion of small entities exposed to costs under the proposed rule is less than 33 percent.

Thus, the FAA determines that the proposed rule would not have significant economic impact on a substantial number of small entities.

Federalism Implications

The proposed regulation herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Conclusion

For the reasons discussed in the preamble, the FAA has determined that this proposed regulation is not major under Executive Order 12291. In addition, the FAA certifies that this proposed regulation would not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. The proposed regulation is not considered significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). An initial regulatory evaluation of the proposal, including a Regulatory Flexibility Determination and Trade Impact Analysis, has been placed in the docket. A copy may be obtained by contacting the person identified under "FOR FURTHER INFORMATION CONTACT."

List of Subjects in 14 CFR Part 91

Aviation safety, Visual flight rules, Instrument flight rules, Special visual flight rules.

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend part 91 of the Federal Aviation Regulations (14 CFR part 91) as follows:

PART 91—GENERAL OPERATING AND FLIGHT RULES

1. The authority citation for part 91 continues to read as follows:

Authority: 49 U.S.C. App. 1301(7), 1303, 1344, 1348, 1352 through 1355, 1401, 1421 (as amended by Pub. L. 100–223), 1422 through 1431, 1471, 1472, 1502, 1510, 1522, and 2121 through 2125; Articles 12, 29, 31, and 32(a) of the Convention on International Civil Aviation (61 Stat. 1180); 42 U.S.C. 4321 et seq; E.O. 11514; Pub. L. 100–202; 49 U.S.C. 106(g) (Revised Pub. L. 97–449, January 12, 1983).

2. Section 91.92 is added to read as follows:

§ 91.92 Temporary Restriction on Flight Operations During Abnormally High Barometric Pressure Conditions.

(a) *Special flight restrictions.* When any information indicates that barometric pressure on the route of flight has exceeded or will exceed 31 inches of mercury, no person may operate an aircraft or initiate a flight contrary to the requirements established by the Administrator and published in a Notice to Airmen issued under this section.

(b) *Waivers.* The Administrator is authorized to waive any restriction issued under paragraph (a) of this section to permit emergency supply, transport, or medical services to be delivered to isolated communities, where the operation can be conducted with an acceptable level of safety.

Issued in Washington, DC, on February 28, 1992.

David R. Harrington,

Acting Director, Flight Standards Service.

[FR Doc. 92–5758 Filed 3–11–92; 8:45 am]

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federal register

Thursday
March 12, 1992

Part VI

Department of Transportation

Federal Aviation Administration

14 CFR Parts 107 and 108
Unescorted Access Privilege; Proposed Rule; Extension of Comment Period

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 107 and 108

[Docket No. 26763; Notice No. 92-3A]

RIN 2120-AE14

Unescorted Access Privilege

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Proposed rule; extension of comment period.

SUMMARY: This document announces an extension of the comment period on the Unescorted Access Privilege Notice of Proposed Rulemaking (NPRM) (57 FR 5352; February 13, 1992). This comment period is extended from March 16, 1992, until May 15, 1992. The extension responds to the request of the San Diego Unified Port District (District) and the joint request from the Air Transport Association of America (ATA), American Association of Airport Executives (AAAE), and the Airport Association Council International (AACI). The extension is needed to permit these organizations, as representatives of the affected parties, additional time to develop comments responsive to the NPRM. It also will provide the FAA with sufficient time to hold one or more public meetings on the proposed rule.

DATES: The comment period is being extended from March 16, 1992, to May 15, 1992.

ADDRESSES: Comments on the NPRM should be mailed in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-10), Docket No. 26763, 800 Independence Avenue, SW., Washington, DC 20591.

FOR FURTHER INFORMATION CONTACT: Andrew V. Cebula, Office of Civil Aviation Security Policy and Plans, Policy and Standards Division, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267-8293.

SUPPLEMENTARY INFORMATION: On February 13, 1992, the FAA issued Notice No. 92-3, titled Unescorted Access Privilege. This proposal is intended to implement the requirements of section 105(a) of the Aviation Security Improvement Act of 1990, which requires the FAA Administrator to issue regulations that subject individuals with unescorted access to U.S. or foreign air carrier aircraft, or to secured areas of U.S. airports, to employment investigations and criminal history records checks. The Act also requires the Administrator to prescribe procedures for taking fingerprints and to establish requirements to limit the dissemination of criminal history information received from the Federal Bureau of Investigation. The proposed rule set forth regulations for employment investigations and criminal history records checks. The proposed rule affects individuals who have, or who may authorize others to have, unescorted access privileges to security identification display areas of U.S. airports.

By letter dated February 21, 1992, the District requested that the comment period be extended from 30 to 90 days. The District asserted that it is impossible for it to analyze, understand and respond to the NPRM within 30 days. Additionally, the District stated that it believes an extension to 90 days is fully within the spirit of President Bush's moratorium on new rules with significant economic impact.

By letter dated February 24, 1992, the ATA, AAAE, and AACI requested that the comment period be extended 60 days or until May 15, 1992. These organizations indicated that this extension is needed so that information can be gathered from numerous airport operators, air carriers, and airport vendors regarding the potential cost and operational implications of the proposed rule. The organizations contend that the NPRM raises a number of significant issues. In order to fully understand the implications of the NPRM, the organizations state that the affected parties must be contacted and asked to assess the potential effects of the proposed rule. The organizations indicated, for example, that the over 400 U.S. airports that air carriers serve will be canvassed and their responses analyzed. They contend that this task cannot be accomplished by the March 16, 1992, deadline for comments. The organizations believe that the proposed background requirement will have a very substantial cost and operational effect. The organizations further assert that their comments will permit a more thorough identification of those effects, and therefore, a more complete analysis of the consequences of the proposed rule.

In view of the likelihood that these parties will provide additional substantive information which will be helpful in formulating an effective final rule, the FAA agrees that it would be in the public interest to grant their request. Additionally, extending the comment period will allow the FAA to provide the affected parties an opportunity to make an oral presentation on the NPRM at one or more public meetings. The date and location of each public meetings will be announced in a future **Federal Register** notice. Accordingly, the comment period is being extended to May 15, 1992, to afford all interested persons the opportunity to comment on this notice.

Issued in Washington, DC, on March 9, 1992.

Bruce R. Butterworth,

Director, Office of Civil Aviation Security Policy and Planning.

[FR Doc. 92-5816 Filed 3-11-92; 8:45 am]

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Reclamation States Emergency Drought Relief Act of 1991. (Mar. 5, 1992; 106 Stat. 53; 7 pages) Price: $1.00

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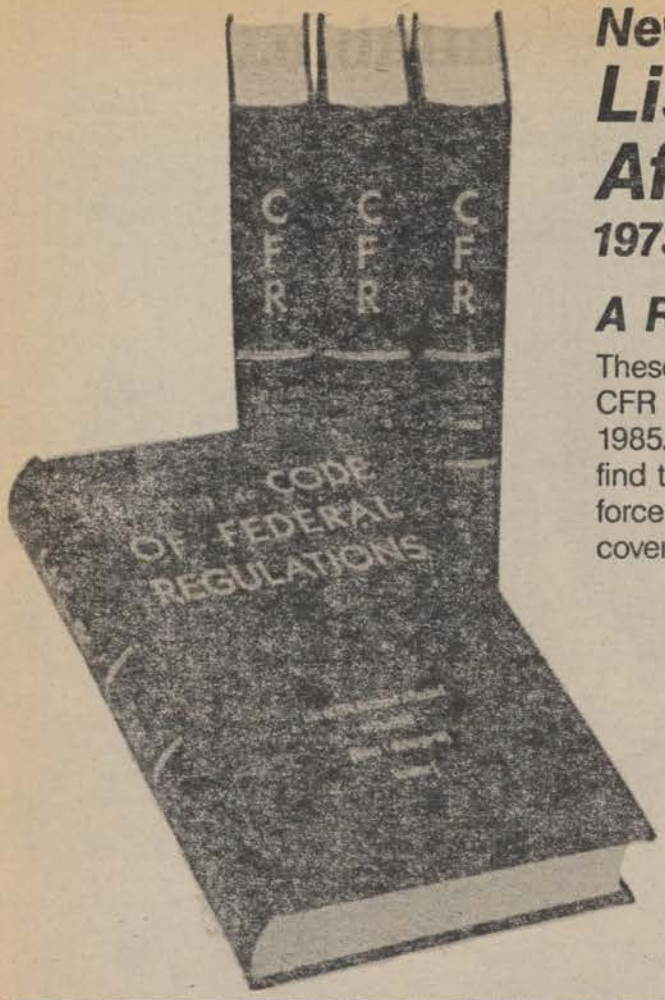

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